

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 11, 2005

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. Air Compressors request for purchase. PUBLIC WORKS
 - C. Housing Commission Appointment. CITY MANAGER
 - D. Appointments to Various Boards/Committees. COMMUNITY RELATIONS COMMITTEE
- ❑ PUBLIC HEARINGS:
 - A. Designation of the Port City Industrial Park as a Neighborhood Enterprise Zone. PLANNING & ECONOMIC DEVELOPMENT
 - B. Create a Special Assessment District for Sidewalk Replacement Program 2005. ENGINEERING
 - C. Create a Special Assessment District for Dale Avenue, Ruddiman Street to McGraft Street. ENGINEERING
 - D. Create a Special Assessment District for Evar Street, Allen Avenue to Amity Avenue. ENGINEERING
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:

❑ **NEW BUSINESS:**

- A. **FIRST READING – Rezoning request for property at 2111, 2123 and 2137 McCracken and also 2117 and 2125 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT**

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:** To discuss pending litigation.

❑ **ADJOURNMENT:**

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

Date: January 11, 2005
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: Approve the minutes of the December 13, 2004 Worksession and the December 14, 2004 City Commission meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 11, 2005

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 11, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: None

2005-01 INTRODUCTIONS/PRESENTATION: Janie Scott and two Mayhem players were introduced to the Commission. County Commissioner Don Aley, Ward I and II, was also introduced.

2005-02 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: Approve the minutes of the December 13, 2004 Worksession and the December 14, 2004 City Commission meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

B. Air Compressors request for purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two budgeted air compressors.

FINANCIAL IMPACT: Total Cost \$21,170.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase of new air compressors from Hasper Equipment.

C. Housing Commission Appointment. CITY MANAGER

SUMMARY OF REQUEST: To re-appoint Jerry Lottie to the Muskegon Housing Commission for a term to expire 1/31/10.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the appointment.

D. Appointments to Various Boards/Committees. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

Board of Review – Reappointment of Donald Haas, Georgia Strube and Ralph Burr with terms expiring 01-01-07. Positions up next year will have a term of one year and their terms will expire 01-01-07.

Citizen's Police Review Board – Reappointment of William Muhammad, Adelia Winchel, David Burlingame, Dolly Hippchen and Ann Craig. Appointment of Janie Santos to fill the position of a member of a minority based organization. Terms expire January 31, 2007.

Civil Service Commission – To appoint Roger Brink with a term expiring on January 31, 2011.

CDBG Citizen's District Council – Accept the resignation of Susan Kroes and appoint David Newsome to fill the position with a term expiring January 31, 2006.

Construction Code Board of Appeals – To reappoint Matt Tighe, Vicki Webster and Kevin Donovan with terms expiring January 31, 2007.

Downtown Development Authority/Brownfield Redevelopment Authority Board/Tax Increment Finance Authority – Reappointment of Eugene Fethke with term expiring January 31, 2009. Appointment of Bill Seebach as a member who has an interest in property within the district with his term expiring January 31, 2007. Appointment of Mike Johnson Sr. as a member who has an interest in property within the district with his term expiring January 31, 2009.

Election Commission – Reappointment of Charles Nelson with a term expiring January 31, 2008.

Equal Opportunity Committee – Appointment of Orlando Riley with a term expiring January 31, 2008.

Historic District Commission – Appointment of Susan Kroes to the vacant position of persons who reside or have occupational or financial interest in one or more of the historic districts with a term expiring January 31, 2008.

Housing Code Board of Appeals – Reappointment of Nick Kroes and Jonathan Rolewicz with terms expiring January 31, 2008.

Income Tax Board of Review – Reappointment of Mary Anne Riters with a term expiring January 31, 2008.

Land Reutilization Committee – Reappointment of Robert Hill and Mike Amhrein with terms expiring January 31, 2009.

Leisure Services Board – Appointment of Connie Navarro with a term expiring January 31, 2007.

Local Development Finance Authority – Reappointment of Phillip Okerlund with the term expiring January 31, 2009.

Local Officer's Compensation Commission – Appointment of Nick Archer with term expiring January 31, 2012; Ruth Anderson with term expiring January 31, 2006; Tonya Thompson with term expiring January 31, 2007 and Kathleen Pitsch with term expiring January 31, 2011.

Planning Commission – Reappointment of Blanche Smith and John Aslakson with terms expiring January 31, 2008. Appointment of Byron Turnquist with term expiring January 31, 2008.

Police & Firemen's Retirement Board – Reappointment of Art Rudd with term expiring January 31, 2010.

Public Relations Committee – Reappointment of Andrea Riegler and Joan Gawron with terms expiring January 31, 2009.

Zoning Board of Appeals – Reappointment of Ernest Fordham with term expiring January 31, 2008. Appointment of Steve Brock and J D Wallace with terms expiring January 31, 2008.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda.

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

Nays: None

MOTION PASSES

2005-03 PUBLIC HEARINGS:

A. Designation of the Port City Industrial Park as a Neighborhood Enterprise Zone. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing to inform and receive comments from the public on designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

FINANCIAL IMPACT: There is no direct financial impact from the designation of a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold a public hearing to inform and receive comments from the public about the said designation.

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:46 p.m.

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

Nays: None

MOTION PASSES

B. Create a Special Assessment District for Sidewalk Replacement Program 2005. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1, 2005.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. Comments were heard in opposition from: Charles Atwood, representative of 1145 W. Laketon, Greater Area Catholic Schools; Thomas Begley, 1580 Randolph; Edward Pamici, 857 W. Hackley; Charlotte Tombari, 1469 Winchester; and Don Gilbert, 2496 Wickham.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 6:12 p.m. and create the special assessment district for sidewalk replacement program 2005.

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

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Dale Avenue, Ruddiman Street to McGraft Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Dale Ave., McGraft to Ruddiman Paving Project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

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 at 6:15 p.m. to hear and consider any comments from the public. Mark Sanders, 1273 W. Dale, spoke in opposition of the project.

Motion by Commissioner Gawron, second by Commissioner Shepherd to close the Public Hearing at 6:18 p.m. and create the special assessment district for Dale Avenue, McGraft to Ruddiman.

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

Nays: None

MOTION PASSES

D. Create a Special Assessment District for Evert Street, Allen Avenue to Amity Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Evert St. between Allen & Amity Paving Project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

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 at 6:19 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:21 p.m. and create the special assessment district for Evert Street, Allen to Amity.

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

Nays: None

MOTION PASSES

2005-04 NEW BUSINESS:

A. FIRST READING – Rezoning request for property at 2111, 2123 and 2137 McCracken and also 2117 and 2125 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 12/16/04 meeting. Commissioners Spataro, Aslakson, Johnson, Sartorius, Mazade, & Warmington voted for denial. Commissioners Michalski voted against denial. T. Harryman and B. Smith were absent.

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with staff recommendation to deny the request to rezone the property.

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

Nays: None

MOTION PASSES

B. Resolution to Support the Muskegon County Grant Application for the Downtown Muskegon Development Corporation. CITY MANAGER

SUMMARY OF REQUEST: To adopt a resolution to support Muskegon County's CDBG application to the State of Michigan to fund the public infrastructure for the DMDC site. This funding is critical for the project to begin construction this summer.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Spataro, second by Commissioner Gawron to adopt the resolution.

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

Nays: None

MOTION PASSES

2005-05 ANY OTHER BUSINESS:

Commissioner Shepherd requested to have a resolution prepared and a gift purchased for George Goodman who is retiring from the Michigan Municipal League. Fellow commissioners agreed and Vice Mayor Larson announced that he would make arrangements for the gift.

2005-06 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Spataro, second by Commissioner Carter to go into Closed Session at 6:27 p.m. to discuss pending litigation.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Shepherd to go back into Open Session at 6:45 p.m.

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

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:46 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive style with a large initial "G" and "K".

Gail A. Kunding, MMC
City Clerk

Date: 01/11/05
To: Honorable Mayor and City Commission
From: Brett Krale, DPW
RE: Air Compressors

SUMMARY OF REQUEST: Approval to purchase two budgeted air compressors.

FINANCIAL IMPACT: Total Cost \$21,170.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of new air compressors from Hasper Equipment.

2 Air Compressors			
		<u>Model</u>	<u>Cost</u>
Hasper Equipment			
3662 Airline Road		P185	\$21,170.00
Muskegon, Mi 49444			
United Rentals			
2122 Turner Ave. NW		185 H	\$21,898.00
Grand Rapids, Mi 49544			
Colwell Equipment			
4812 Patterson		XAS 97	\$21,560.00
Grand Rapids, Mi 49512			

AGENDA ITEM NO. _____

CITY COMMISSION MEETING January 11, 2004

TO: Honorable Mayor and City Commissioners

FROM: Bryon Mazade, City Manager

DATE: January 4, 2005

RE: Housing Commission Appointment

SUMMARY OF REQUEST:

To re-appoint Jerry Lottie to the Muskegon Housing Commission for a term to expire 1/31/10.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To concur with the appointment.

COMMITTEE RECOMMENDATION:

None.

Date: 1-2-05

CITY OF MUSKEGON
TALENT BANK APPLICATION

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Jerry Lottie
HOME ADDRESS: 1710 Jefferson Street, Muskegon, Mich 49441
(Street, City, State, Zip)
HOME PHONE #: 231-722-0941 WORK PHONE #: 231-740-7349
OCCUPATION: Retired EMPLOYER: City of Muskegon
(If retired, give former occupation)
EDUCATION: High School/Graduate - 2yrs College - Housing & Real Estate Certificates Family
PERSONAL & COMMUNITY ACTIVITIES: Family Center, Solidarity, Bwp Board of District

Why would you be a good member of this committee? What do you bring to the committee ?

Previous training with HUD's housing Programs and hold a Real Estate Certificate from Muskegon Comm. College.

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Rev. George Bennett</u>	<u>231-773-0412</u>
(Name)	(Phone Number)
2. <u>Derrick Knox</u>	<u>231-740-0582</u>
(Name)	(Phone Number)
3. <u>Atty. Theodore N. Williams</u>	<u>231-726-4857</u>
(Name)	(Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☐ Housing Code Board of Appeals |
| ☐ Board of Review | ☒ Housing Commission |
| ☐ Cemetery Committee | ☐ Income Tax Board of Review |
| ☐ Citizen's Police Review Board | ☐ Land Reutilization Committee |
| ☐ City Employees Pension Board | ☐ Leisure Services Board |
| ☐ Civil Service Commission | ☐ Loan Fund Advisory Committee |
| ☐ CDBG-Citizen's District Council | ☐ Local Develop. Finance Authority |
| ☐ Construction Board of Appeals | ☐ Local Officer's Compensation Com. |
| ☐ District Library Board | ☐ Planning Commission |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Police/Fireman's Pension Board |
| ☐ Election Commission | ☐ Public Relations Committee |
| ☐ Equal Opportunity Committee | ☐ Zoning Board of Appeals |
| ☐ Historic District Commission | |
| ☐ Hospital Finance Authority | |

Are you willing to serve on other boards/committees not checked off above? ☒ YES ☐ NO (Circle one)

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

Date: January 11, 2005
To: Honorable Mayor and City Commissioners
From: Community Relations Committee
RE: Recommendations for the Various Boards and Committees

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

Board of Review – Reappointment of Donald Haas, Georgia Strube and Ralph Burr with terms expiring 01-01-07. Positions up next year will have a term of one year and their terms will expire 01-01-07.

Citizen's Police Review Board – Reappointment of William Muhammad, Adelia Winchel, David Burlingame, Dolly Hippchen and Ann Craig. Appointment of Janie Santos to fill the position of a member of a minority based organization, Terms expire January 31, 2007.

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Public Relations Committee – Reappointment of Andrea Riegler and Joan Gawron with terms expiring January 31, 2009.

Zoning Board of Appeals – Reappointment of Ernest Fordham with term expiring January 31, 2008. Appointment of Steve Brock and J D Wallace with terms expiring January 31, 2008.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: Recommends Approval

Commission Meeting Date: January 11, 2005

Date: December 6, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Public Hearing for the designation of the Port City
Industrial Park as a Neighborhood Enterprise
Zone

SUMMARY OF REQUEST: To hold a public hearing to inform and receive comments from the public on designating the Port City Industrial Park as a Neighborhood Enterprise Zone.

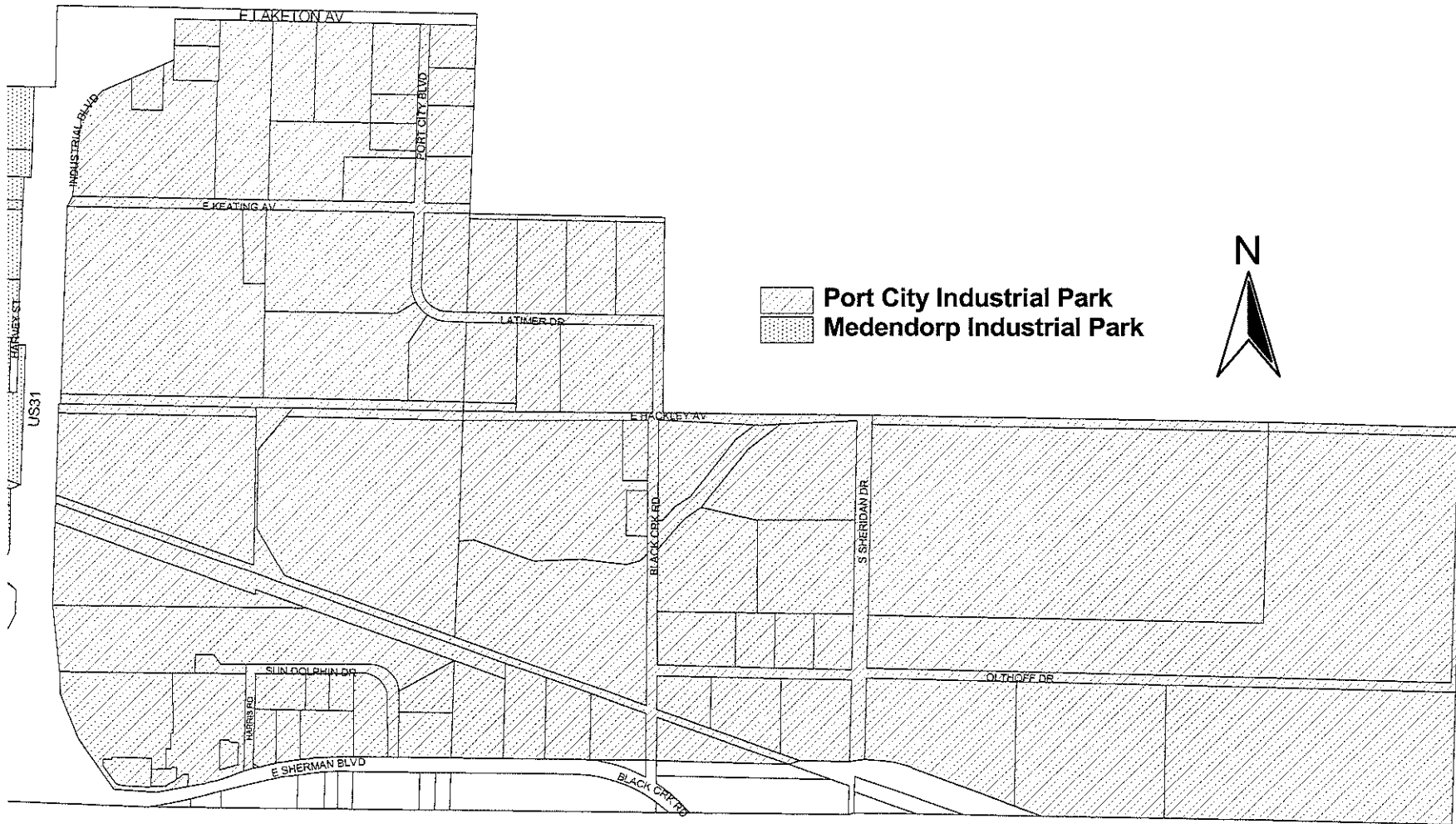
FINANCIAL IMPACT: There is no direct financial impact from the designation of a Neighborhood Enterprise Zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold a public hearing to inform and receive comments from the public about the said designation.

COMMITTEE RECOMMENDATION: None

Port City Industrial Park



* Legal Description: All that Area within, the City of Muskegon East of the U.S. - 31 Highway right-of-way and South of E. Laketon Ave, Muskegon, MI

City of Muskegon Statement of Goals, Objectives and Policies for Neighborhood
Enterprise Zones

1. To actively support neighborhood or community-based self-help organizations which are engaged in local housing construction, conservation, or rehabilitation efforts by utilizing new and existing programs for providing additional financial resources and for seeking financial assistance;
2. To stabilize and revitalize neighborhood housing conditions by encouraging the creation of new housing units for moderate income persons and by supporting efforts that will enable people with lower incomes to remain in stable, viable, but nonexclusionary City communities;
3. To take appropriate actions to influence and facilitate increased private sector involvement in public programs that will propel and sustain City neighborhood-housing stabilization initiatives by: encouraging private residential development; devising programs which facilitate and encourage higher levels of housing construction, maintenance, repair, and rehabilitation; by considering cooperative working programs between the financial institutions, the City, property owners and the tenants to induce rental property improvements;
4. To take appropriate actions to stimulate increased demand for Muskegon housing by all household types by encouraging private market participation to provide housing choices, by considering new programs that will provide additional financial resources to reduce the cost of housing and make more favorable mortgage financing available;
5. To promote efforts to stabilize and increase the level of home ownership and owner-occupied housing in the City; and
6. To take appropriate actions to facilitate the providing of an adequate supply and mix of Muskegon housing for all household types.
7. To require adherence to and compliance with the following requirements:
 - A. All improvements must be consistent with the Zoning Ordinance provisions and Historic District standards (if applicable).
 - B. New Buildings and additions must be compatible in design with other dwellings within 400 feet.
 - C. Non-conforming multiple housing dwelling structures will be eligible for NEZ, provided that the building is made more conforming by reducing the number of dwelling units within a structure.
 - D. For continued eligibility, dwelling units and dwelling structures shall comply with zoning, buildings, housing and property maintenance codes.

- E. Illegal activity as defined in the Padlock Ordinance will result in ineligibility for participation or continuation in the NEZ program.
- F. Participation and continuation in the NEZ program is conditional upon timely payment of all charges and obligations to the City.

NEZ Finding

A proposed Neighborhood Enterprise Zone in the (Port City Industrial Park) has been found to be consistent with the Master Plan and with the City's Neighborhood Preservation and Economic Development Goals. The Master Plan states on page 11-1 that "...parcels along Laketon Avenue and Sherman Boulevard may be used for non-industrial purposes which are ancillary to the area's industrial focus." A residential neighborhood within the industrial park would benefit the industry because individual members of the potential work force would be living in close proximity to the workplace.

The creation of a new neighborhood in this area would likely mean that a majority of its residents would not only be living near each other but also working together. This could possibly lead to the bonding of strong neighborhood ties.

One of the City's goals for 2004/2005 is to promote economic stability, diverse economic growth, and redevelopment. It is believed that the establishment of an NEZ in this area will be a catalyst in the creation of new jobs for the area. The creation of new jobs means more money will be spent in the area thus strengthening the local economy. The people that will be working in these new jobs will be purchasing goods and services from local merchants, again strengthening the local economy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

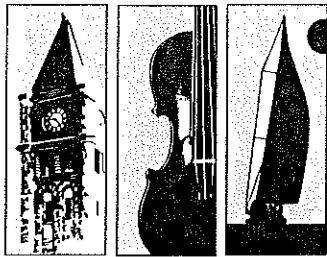
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

December 8, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chairman, Board of Education
Muskegon Area Intermediate School District
630 Harvey Street
Muskegon, MI 49442

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Chairman:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 8th, 2005 at 7:00 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

NOTICE OF PRIOR PUBLIC HEARING. Pursuant to Section 3 of the said Act, a public hearing will be held at the City of Muskegon on January 11th, 2005 at 7:00p.m., at which time it will receive comments from the above and any member of the public concerning the designation of the said proposed neighborhood enterprise zone.

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

Yours truly,

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

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

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

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

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

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

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

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

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

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

Finance Dept.
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FAX: (231)724-6768

Fire Dept.
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Income Tax
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FAX: (231)724-6768

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

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

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

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

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

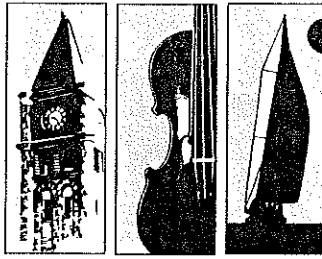
Public Works Dept.
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(231)724-6720
FAX: (231)724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

December 8, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chairman, Board of Education
Muskegon Public Schools
Hackley Administration Building
349 W. Webster Avenue
Muskegon, MI 49440

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Chairman:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 8th, 2005 at 7:00 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

NOTICE OF PRIOR PUBLIC HEARING. Pursuant to Section 3 of the said Act, a public hearing will be held at the City of Muskegon on January 11th, 2005 at 7:00p.m., at which time it will receive comments from the above and any member of the public concerning the designation of the said proposed neighborhood enterprise zone.

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

Yours truly,

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

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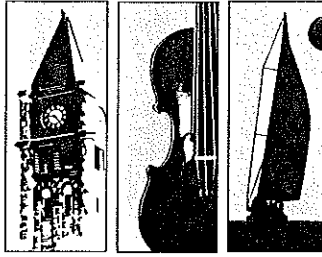
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Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

December 8, 2004

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

City of Muskegon
Assessor's Office
993 Terrace Street
Muskegon, MI 49440

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Assessor:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 8th, 2005 at 7:00 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

NOTICE OF PRIOR PUBLIC HEARING. Pursuant to Section 3 of the said Act, a public hearing will be held at the City of Muskegon on January 11th, 2005 at 7:00p.m., at which time it will receive comments from the above and any member of the public concerning the designation of the said proposed neighborhood enterprise zone.

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

Yours truly,

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

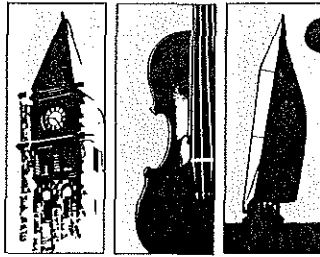
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City Manager
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MUSKEGON



West Michigan's Shoreline City

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

December 8, 2004

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Chairman, Board of Trustees
Muskegon Community College
221 S. Quarterline Road
Muskegon, MI 49442

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

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

Dear Chairman:

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

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 8th, 2005 at 7:00 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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

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

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

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

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

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

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

Yours truly,

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

By Gail A. Kunding
Gail A. Kunding, City Clerk

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

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

Water Billing Dept.
(231)724-6718
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Water Filtration
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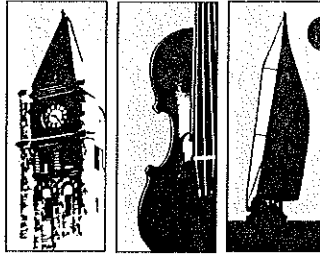
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Cemetery Department
(231)724-6783
FAX: (231)726-5617

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

MUSKEGON



West Michigan's Shoreline City

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

December 8, 2004

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Chairman, Board of Education
Orchard View Schools
2310 Marquette Avenue
Muskegon, MI 49442

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

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

Dear Chairman:

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

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 8th, 2005 at 7:00 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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FAX: (231)724-6985

Income Tax
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FAX: (231)724-6768

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

NOTICE OF PRIOR PUBLIC HEARING. Pursuant to Section 3 of the said Act, a public hearing will be held at the City of Muskegon on January 11th, 2005 at 7:00p.m., at which time it will receive comments from the above and any member of the public concerning the designation of the said proposed neighborhood enterprise zone.

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

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

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

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

Yours truly,

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

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

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

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

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

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

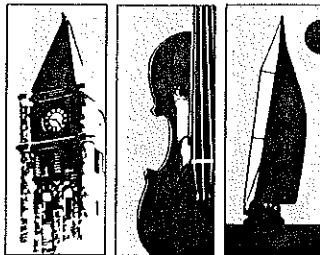
Affirmative Action
(231)724-6703
FAX: (231)722-1214

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

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

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

MUSKEGON



West Michigan's Shoreline City

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

December 8, 2004

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

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

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

Chairman, Board of Commissioners
Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

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

Dear Chairman:

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

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

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

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

If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

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

Yours truly,

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

By Gail A. Kunding
Gail A. Kunding, City Clerk

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

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

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

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

Affirmative Action
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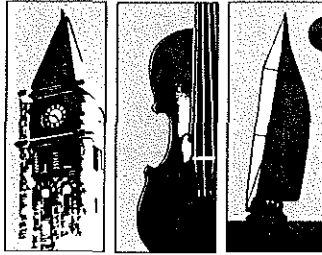
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MUSKEGON



West Michigan's Shoreline City

December 13, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Hackley Public Library
316 W. Webster Avenue
Muskegon, MI 49440

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Library Staff:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 22nd, 2005 at 5:30 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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Yours truly,

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

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Water Filtration
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FAX: (231)755-5290

December 13, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chairman, Board of Education
Muskegon Area Intermediate School District
630 Harvey Street
Muskegon, MI 49442

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Chairman:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 22nd, 2005 at 5:30 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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Yours truly,

By Gail A. Kunding
Gail A. Kunding, City Clerk

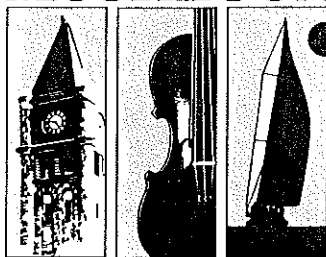
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MUSKEGON



West Michigan's Shoreline City

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December 13, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chairman, Board of Education
Muskegon Public Schools
Hackley Administration Building
349 W. Webster Avenue
Muskegon, MI 49440

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Chairman:

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Please note the change in dates and times from the previous notice sent. If you have any questions regarding the NEZ, please call the Department of Planning and Economic Development at the City of Muskegon at (231) 724-6702.

Yours truly,

By Gail A. Kunding
Gail A. Kunding, City Clerk

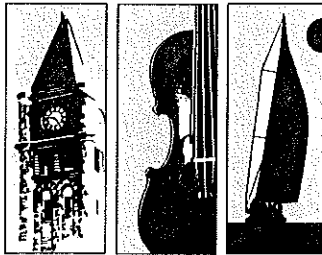
Affirmative Action
(231)724-6703
FAX: (231)722-1214

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

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

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

MUSKEGON



West Michigan's Shoreline City

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

December 13, 2004

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

City of Muskegon
Assessor's Office
993 Terrace Street
Muskegon, MI 49440

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

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

Dear Assessor:

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

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 22nd, 2005 at 5:30 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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Income Tax
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FAX: (231)724-6768

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

NOTICE OF PRIOR PUBLIC HEARING. Pursuant to Section 3 of the said Act, a public hearing will be held at the City of Muskegon on January 11th, 2005 at 5:30 p.m., at which time it will receive comments from the above and any member of the public concerning the designation of the said proposed neighborhood enterprise zone.

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

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

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

Yours truly,

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

By Gail A. Kunding
Gail A. Kunding, City Clerk

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

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Water Filtration
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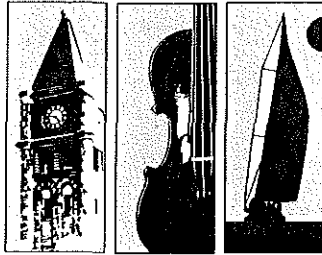
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MUSKEGON



West Michigan's Shoreline City

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

December 13, 2004

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Chairman, Board of Trustees
Muskegon Community College
221 S. Quarterline Road
Muskegon, MI 49442

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Engineering Dept.
(231)724-6707
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Dear Chairman:

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

Yours truly,

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

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

Public Works Dept.
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Treasurer's Office
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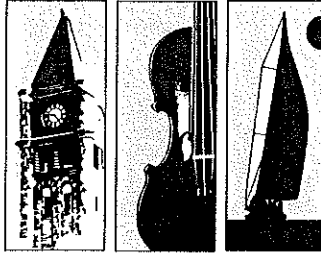
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MUSKEGON



West Michigan's Shoreline City

December 13, 2004

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chairman, Board of Education
Orchard View Schools
2310 Marquette Avenue
Muskegon, MI 49442

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

Dear Chairman:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon will consider adopting a resolution on Tuesday, February 22nd, 2005 at 5:30 p.m., to designate the Port City Industrial Park (see enclosed map) as a Neighborhood Enterprise Zone. The meeting will be held at the City of Muskegon, 993 Terrace Street, Muskegon, MI. The resolution expected to be adopted will be made pursuant to Act 147 of the Public Acts of 1992, MCL 207.771, as amended.

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Yours truly,

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

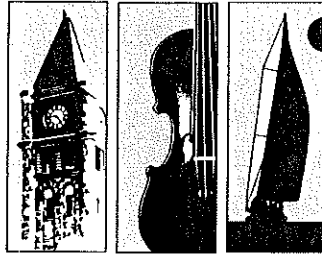
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MUSKEGON



West Michigan's Shoreline City

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

December 13, 2004

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Chairman, Board of Commissioners
Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

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

Re: Proposed Neighborhood Enterprise Zone ("NEZ") for the Port City Industrial Park

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FAX: (231)727-6904

Dear Chairman:

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FAX: (231)724-6768

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Yours truly,

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By Gail A. Kunding
Gail A. Kunding, City Clerk

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

TO: Honorable Mayor and City commissioners
FROM: Engineering
DATE: January 11, 2005
RE: Public Hearing
Create Special Assessment District on:
2005 Sidewalk Program (W-6) & 1114 Wood

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st 2005.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-03(b)

Resolution At First Hearing Creating Special Assessment District
For The 2005 Sidewalk Replacement Program (W-6) & 1114 Wood St.

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

RECITALS:

A hearing has been held on **January 11, 2005** 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 11, 2005**, there were 1.53% objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

This resolution adopted.

Ayes, Commissioners Warmington, Carter, Davis, Gawron, Larson,
Shepherd, and Spataro
Nays, None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 11, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

SIDEWALK REPLACEMENT PROGRAM FOR 2005

SPECIAL ASSESSMENT DISTRICT

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

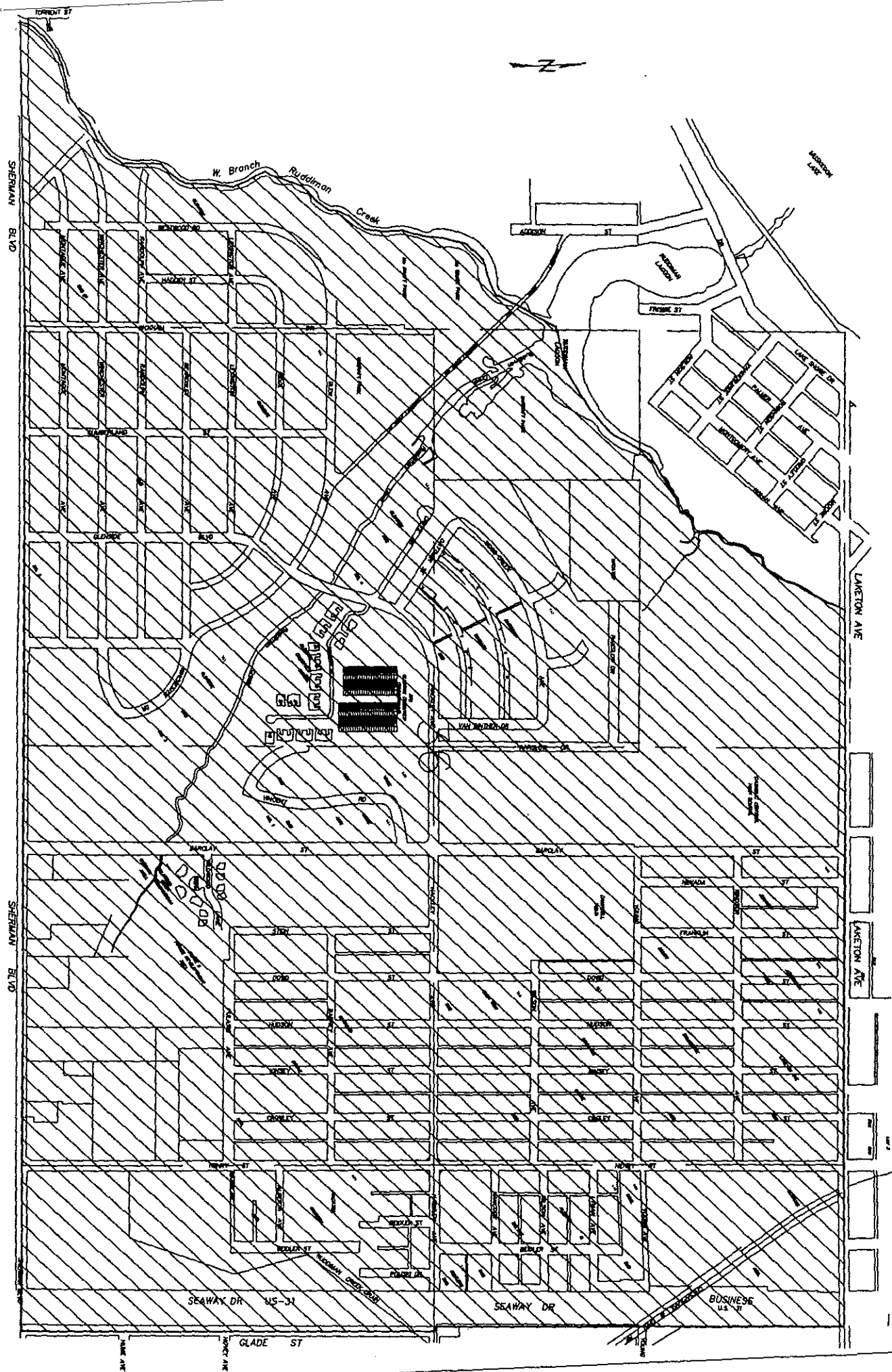
Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2005**.

All parcels within area W-6 which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north,
Seaway Dr. to the east, and Sherman Blvd. to the south

&

1114 Wood due to the presence of hazard sidewalk that the owner was notified of.

**SIDEWALK 2005 ASSESSMENT DISTRICT
& 1114 WOOD ST.
EXHIBIT "A"**



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1590, Sidewalk Replacement Program 2005

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 27TH DAY OF DECEMBER 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS

9th DAY OF February, 2004.⁵

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

December 27, 2004

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

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

Dear Property Owner:

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

Sidewalk Replacement Program for 2005

The proposed special assessment district will be located as follows:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2005.

AREA W6; bounded by Ruddiman Creek to the west, Laketon Ave. to the north, Seaway Dr. to the east, and Sherman Blvd. to the south

The above improvement will be paid entirely by special assessment. The 2005 cost has been set at \$5.40 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE CITY OF MUSKEGON COMMISSION CHAMBERS ON January 11, 2005 AT 5:30 P.M. You are entitled to appear at this hearing, either in person, by an agent, or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made to the City Clerk at or prior to the hearing.

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

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

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

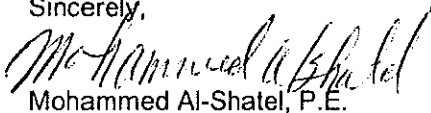
- (1) you can request to have your assessment payments spread over a ten-year period at a low interest rate of 5.00% per year (unless the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money; in such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%),
- (2) if you are a low-income senior citizen you can leave the assessment as a lien against your property until the property is sold (contact the City Assessor's office for details), or
- (3) if you are a low income homeowner of the property requiring sidewalk replacement, you may be eligible for free sidewalk replacement. An application for this free assistance is enclosed. If you believe you are eligible for this free assistance, your application must be submitted to the City's Department of Community and Neighborhood Services, no later than April 15, 2005. If your application is approved, you need to do nothing else; the City will make the repairs, and you will not be assessed for the replacement costs.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

**CITY OF MUSKEGON CAMPBELL/GLENSIDE NEIGHBORHOODS
2005 SIDEWALK ASSESSMENT PROGRAM H-1590
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
 (Please refer to your assessment letter for this information)
 Number Living in Household: _____ List information for household members besides owner/spouse here.
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____
 Name _____ Birthdate _____ Social Security # _____ - _____ - _____

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

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

Dear Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, tax returns, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2004	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
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:

**DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE. – H-1597
AND
SIDEWALK REPLACEMENT PROGRAM FOR 2005**

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

**All parcels abutting Dale Ave. from McGraft St. to Ruddiman St.
All parcels abutting Evart St. from Allen Ave. to Amity Ave.**

And

All parcels within area W-6, which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north, Seaway Dr. to the east, and Sherman Blvd. to the south.

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 11, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **January 1, 2005**

Gail Kundering, City Clerk

ADA POLICY

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

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

Acct# 643-60447-5267

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- (2) The inspectors will input the sidewalk improvement information into a data base that will include all sidewalks in need of repair within that section of the City.
- (3) Each year a contract will be prepared based on the needed repairs within the sections designated for that year. City staff will then determine, based on census information for the designated sections, the approximate amount of funding needed through the CDBG program to assist eligible property owners with their sidewalk assessments. This amount will be included in the CDBG budget for the following year. Costs for sidewalk improvements not eligible for CDBG funding will be assessed to the property and be payable over a specified period. In the Spring of the following year the sidewalk improvement contract will be executed.
- (4) Notices will be sent to affected property owners describing the sidewalk improvements to be made nine months in advance of the City implementing sidewalk improvements, with the exception of the first year of the policy when notices will be sent six months in advance. Notices will include information regarding CDBG eligibility, and advising the property owners to contact the Community and Neighborhood Services Department if they believe they are eligible for CDBG assistance in paying for their sidewalk assessment.
- (5) Property owners will have the option to complete the sidewalk improvements themselves, or have the work done by a contractor of their choice, providing the work meets City permit requirements. If property owners elect to do the improvements themselves, the improvements must be completed by May of the year the contract will be implemented in their area, with the exception of the first year of the policy when owners will have until July to complete their sidewalk improvements.
- (6) Handicapped ramps will be constructed according to City standards at all corners where sidewalk improvements are being made immediately adjacent to the intersection. in that particular block. The cost of the ramps will be funded through the City.
- 78) If a property owner objects to the need to replace, install or remove the sidewalk adjacent to their property they may appeal to the City Manager.

Criteria for determining whether sidewalks are in need of maintenance and repair for safety reasons, or if certain areas either are in need of sidewalks where they have not existed before, or are in need of sidewalk removal where sidewalks are no longer required, will be established by the City Inspections Department.

It is anticipated that this Policy for Sidewalk Maintenance, Repair and Placement Program will advance sidewalk improvements throughout the City while providing an equitable payment system, which will result in increased safety to citizens as well as more attractive neighborhoods.

- (2) The inspectors will input the sidewalk improvement information into a data base that will include all sidewalks in need of repair within that section of the City.
- (3) Each year a contract will be prepared based on the needed repairs within the sections designated for that year. City staff will then determine, based on census information for the designated sections, the approximate amount of funding needed through the CDBG program to assist eligible property owners with their sidewalk assessments. This amount will be included in the CDBG budget for the following year. Costs for sidewalk improvements not eligible for CDBG funding will be assessed to the property and be payable over a specified period. In the Spring of the following year the sidewalk improvement contract will be executed.
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Criteria for determining whether sidewalks are in need of maintenance and repair for safety reasons, or if certain areas either are in need of sidewalks where they have not existed before, or are in need of sidewalk removal where sidewalks are no longer required, will be established by the City Inspections Department.

It is anticipated that this Policy for Sidewalk Maintenance, Repair and Placement Program will advance sidewalk improvements throughout the City while providing an equitable payment system, which will result in increased safety to citizens as well as more attractive neighborhoods.

Date: January 11, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Dale Ave., McGraft to Ruddiman

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for the **Dale Ave., McGraft to Ruddiman paving 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. 2005-03(c)

Resolution At First Hearing Creating Special Assessment District
For **Dale Ave., McGraft to Ruddiman**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 11, 2005** 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 11, 2005**, there were 30.64% 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 Gawron and Davis
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.95%** 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 Carter, Davis, Gawron, Larson, Shepherd, Spataro,
and Warmington

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 11, 2005**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

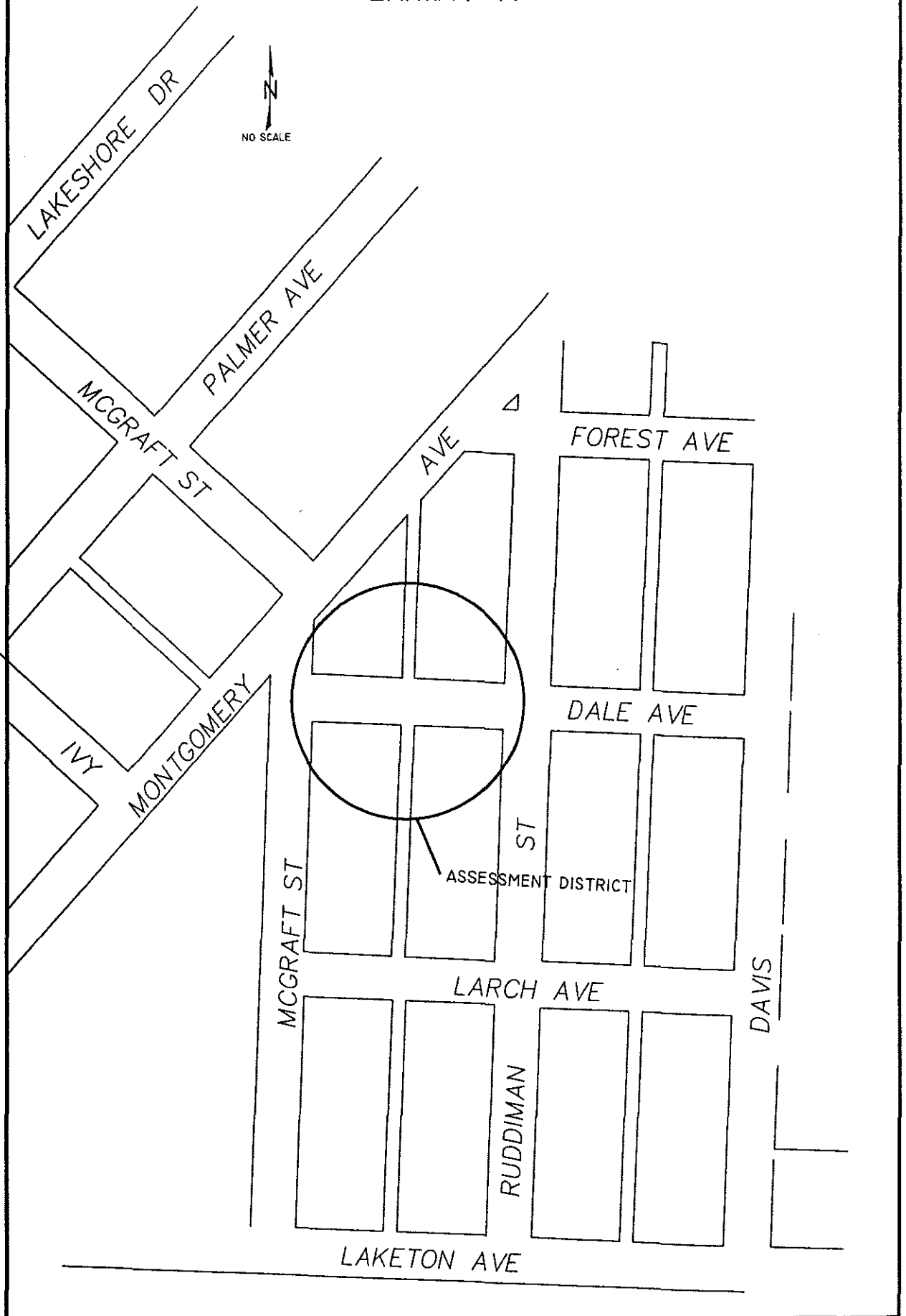
EXHIBIT A

Dale Ave., McGraft to Ruddiman

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Dale Ave. between McGraft & Ruddiman

SPECIAL ASSESSMENT DISTRICT FOR DALE AVE.
EXHIBIT "A"



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Dale Ave. Ruddiman St. to McGraft St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 27TH DAY OF DECEMBER, 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS

9th DAY OF February, 2004.

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

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

December 21, 2004

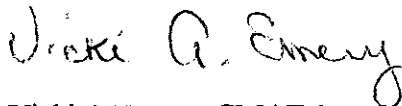
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the new construction of Dale Avenue between McGraft Street and Ruddiman Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is December 21, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.50 for the new construction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$35.98. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

December 27, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on JANUARY 11, 2005. 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.

December 27, 2004

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

DALE AVE., McGRAFT ST. TO RUDDIMAN ST.

The proposed special assessment district will be located as follows:

All parcels abutting Dale Ave. from McGraft St. to Ruddiman St.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on JANUARY 11, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

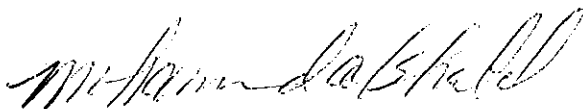
The total estimated cost of the street portion of the project is \$54,000.00 of which approximately 24.95% (\$13,472.00) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	1296 W DALE AVE
Parcel Number	24-205-499-0008-00
Assessable Frontage:	\$44.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,408.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 499
W 44 FT LOT 8
& W 44 FT OF S 24 FT LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

DATE: 1/11/05

1

CITY OF MUSKEGON
DALE AVE., MCGRIFT ST. TO RUDDIMAN ST. – H-1596
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
DALE., MCGRAFT TO RUDDIMAN
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
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:

DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.
AND

SIDEWALK REPLACEMENT PROGRAM FOR 2005

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

All parcels abutting Dale Ave. from McGraft St. to Ruddiman St.

All parcels abutting Evart St. from Allen Ave. to Amity Ave.

And

All parcels within area W-6, which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north,
Seaway Dr. to the east, and Sherman Blvd. to the south.

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 11, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **January 1, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1596

NEW CONSTRUCTION

HEARING DATE

JANUARY 11, 2005

DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

1	WARDIE CAMERON B	ASSESSABLE FEET:	44
24-205-499-0008-00	1296 W DALE AVE	COST PER FOOT:	\$32.00
@ 1296. W DALE AVE	MUSKEGON MI 49441-225	ESTIMATED P.O. COST:	\$1,408.00
2	MCGINLEY WILLIAM G/STEFANI	ASSESSABLE FEET:	44
24-205-499-0008-10	1290 W DALE AVE	COST PER FOOT:	\$32.00
@ 1290. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,408.00
3	STARK FREDRICK E/ELLEN M	ASSESSABLE FEET:	44
24-205-499-0008-20	1284 W DALE AVE	COST PER FOOT:	\$32.00
@ 1284. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,408.00
4	LIDKE TRENT	ASSESSABLE FEET:	66
24-205-499-0001-00	1573 JEFFERSON ST	COST PER FOOT:	\$32.00
@ 1669. RUDDIMAN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
5	NEUMAN TODD/SPIER B	ASSESSABLE FEET:	41
24-205-511-0006-10	1692 MCGRAFT	COST PER FOOT:	\$32.00
@ 1692. MCGRAFT S	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,312.00
6	CRITCHETT JERRY W TRUST	ASSESSABLE FEET:	50
24-205-511-0006-00	1164 WILLSHIRE DR	COST PER FOOT:	\$32.00
@ 1283. W DALE AVE	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,600.00
7	SANDER MARK	ASSESSABLE FEET:	41
24-205-511-0005-20	1273 W DALE AVE	COST PER FOOT:	\$32.00
@ 1273. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,312.00

DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

8	KLEINER EDWARD H	ASSESSABLE FEET:	41
24-205-511-0005-10	1267 W DALE AVE	COST PER FOOT:	\$32.00
@ 1267. W DALE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,312.00

9	HUTCHINS WILLIAM J/SHAREE	ASSESSABLE FEET:	50
24-205-511-0005-00	262 MAPLE CT	COST PER FOOT:	\$32.00
@ 1261. W DALE AVE	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,600.00

SUM OF ASSESSABLE FOOTAGE:	421.00	SUM OF ESTIMATED P.O. COST:	\$13,472.00
----------------------------	--------	-----------------------------	-------------

TOTAL NUMBER OF ASSESSABLE PARCELS	9.00
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CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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And

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

Project Description: NEW CONSTRUCTION

INSTRUCTIONS

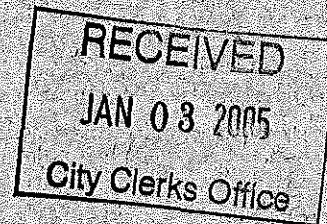
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address:	1283 W DALE AVE
Parcel Number	24-205-511-0006-00
Assessable Frontage:	\$50.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,600.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 511
E 50 FT LOT 6



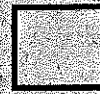
Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

JERRY CRITCHETT

Owner/Spouse

Pamela Critchett

Signature

Jerry Critchett

Signature

Pamela Critchett

Address

1164 Willshire Drive

Address

1164 Willshire Drive

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

CITY OF MUSKEGON

6

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: DALE AVE., McGRAFT ST. TO RUDDIMAN ST.

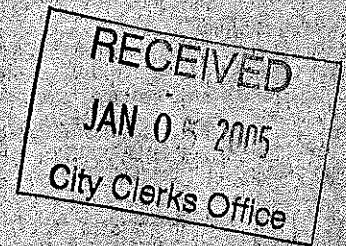
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address:	1296 W DALE AVE
Parcel Number	24-205-499-0008-00
Assessable Frontage:	\$44.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,408.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 499
W 44 FT LOT 8
& W 44 FT OF S 24 FT LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Cameron B. Hardie

CoOwner/Spouse

Signature

Cameron B. Hardie

Signature

Address

1296 W. Dale Ave.

Address

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

** Please leave my answer confidential **

H-1596 DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 9										
			FOR					OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET	
TOTAL ASSESSABLE FRONT FOOTAGE	421.00 ***		6	1283	W. DALE	24-205-511-0006-00	50.00	1	1296	W. DALE	24-205-499-0008-00	44.00	
FRONT FEET OPPOSED	88.00	20.90%	8	1267	W. DALE	24-205-511-0005-10	41.00	3	1284	W. DALE	24-205-499-0008-20	44.00	
			5	1692	MCGRAFT	24-205-511-0006-10	41.00						
RESPONDING FRONT FEET IN FAVOR	132.00	31.35%											
NOT RESPONDING - FRONT FEET IN FAVOR	201.00	47.74%											
TOTAL FRONT FEET IN FAVOR	333.00	79.10%											
		69.35											

TOTALS

132.00

88.00

TABULATED AS OF: 04:51 PM

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

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Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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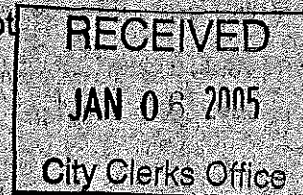
Assessment Information

Property Address: 1284 W DALE AVE
Parcel Number 24-205-499-0008-20
Assessable Frontage \$44.00 Feet
Estimated Front Foot Cost \$32.00 per Foot

ESTIMATED TOTAL COST \$1,408.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 499
E 44 FT OF S 24 FT LOT 7
& E 44 FT LOT 8



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner FRED STARK

CoOwner/Spouse ELLEN STARK

Signature [Signature]

Signature [Signature]

Address 1284 W. DALE

Address 1284 W. DALE

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

STARK, FREDRICK & ALLIEN

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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Project Description: NEW CONSTRUCTION

INSTRUCTIONS

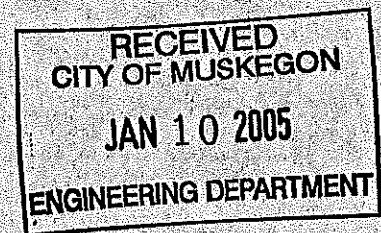
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Assessment Information

Property Address: 1267 W DALE AVE
Parcel Number 24-205-511-0005-10
Assessable Frontage: \$41.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,312.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 511
E 41 FT OF W 82 FT LOT 5
& E 41 FT OF W 82 FT OF N 28 FT LOT 4
& S 5 FT OF N 28 FT OF E 50 FT LOT 4



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner EDWARD H KLEINER CoOwner/Spouse MARCIE A. KLEINER
Signature Edward H Kleiner Signature Marcie A. Kleiner
Address 1267 W. DALE AVE Address 1267 W. DALE AVE

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 11, 2005

Project Title: DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.

Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1692 MCGRAFT ST

Parcel Number 24-205-511-0006-10

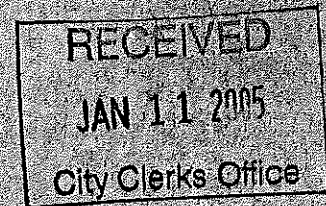
Assessable Frontage: \$41.00 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,312.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 511
W 82 FT LOT 6



Your vote COUNTS!

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

I AM IN FAVOR



*Need tenant
parking to
remain same. (No curb)*

I AM OPPOSED



Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

NEUMANN YODER & ASSOCIATES

5

*Please: We have a one bedroom apartment above and
need winter approved parking on street.*

*231-755-5539
1-38-0163*

Thank-you Brenda Neuman

Date: January 11, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Evart St., Allen to Amity

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for the **Evart St. between Allen & Amity paving 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. 2005-03(d)

Resolution At First Hearing Creating Special Assessment District
For **Evart St. between Allen & Amity**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 11, 2005** 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 11, 2005**, there were 25.0 % 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 Carter
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **15.87%** 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 Davis, Gawron, Larson, Shepherd, Spataro, Warmington,
and Carter

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 11, 2005**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of
Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

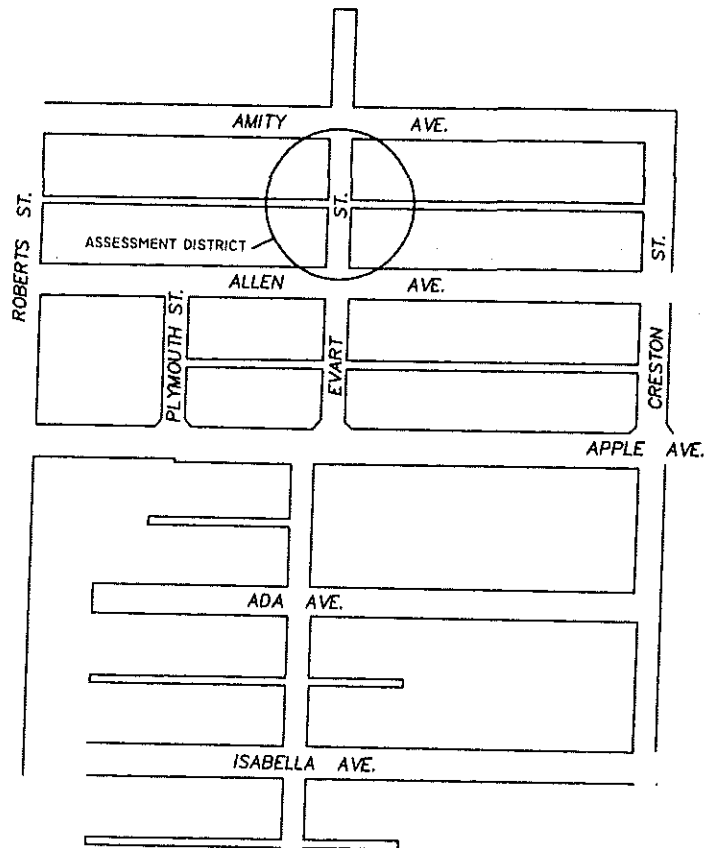
EXHIBIT A

Evart St., Allen to Amity

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Evart St., Allen to Amity

SPECIAL ASSESSMENT DISTRICT FOR EVART ST.
EXHIBIT "A"



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Evart St. Allen Ave. to Amity 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 27TH DAY OF DECEMBER, 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
9th DAY OF February, 2004.

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

ENGINEERING FEASIBILITY STUDY

For

Evart St., Allen to Amity

The construction of a new curb & gutter street on Evart between Allen & Amity was proposed on the adopted 2005 CIP in an effort to incorporate the established goal of eliminating gravel streets from the City's street system into our proposed work. Additional criteria for the selection were:

1. The need to reduce maintenance cost associated with the upkeep of a gravel road
2. Enhance the appearance of that area
3. improve the drainage facility

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

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

The preliminary cost estimate for the work associated with paving is \$50,000 with the length of the project being approximately 260 lineal feet (project length) or 248' of assessable footage. This translates into an estimated improvement cost of \$201.61 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2005 Special Assessment Rates for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

December 21, 2004

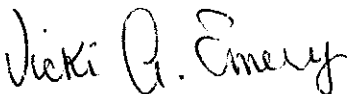
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the new construction of Evert Street between Allen Avenue and Amity Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is December 21, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.50 for the new construction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.36. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

December 27, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on JANUARY 11, 2005. 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.

December 27, 2003

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

EVART ST., ALLEN AVE. TO AMITY AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Evart St. from Allen Ave. to Amity 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 JANUARY 11, 2005 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

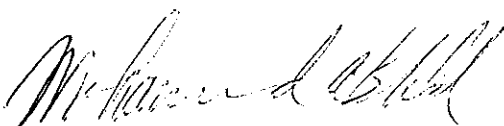
The total estimated cost of the street portion of the project is \$50,000.00 of which approximately 15.87% (\$7,936.00) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: EVART ST., ALLEN AVE. TO AMITY AVE.

Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	1291 AMITY AVE
Parcel Number	24-850-002-0012-00
Assessable Frontage:	\$62.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,984.00

Property Description

CITY OF MUSKEGON
WAGENMAKERS SUB DIVISION
LOT 12 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

10/24/04

1

CITY OF MUSKEGON
EVART ST., ALLEN AVE. TO AMITY AVE. – H-1597
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
EVART ST., ALLEN AVE. TO AMITY AVE.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2004	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
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:

DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.

AND

SIDEWALK REPLACEMENT PROGRAM FOR 2005

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

All parcels abutting Dale Ave. from McGraft St. to Ruddiman St.

All parcels abutting Evart St. from Allen Ave. to Amity Ave.

And

All parcels within area W-6, which is bounded by Ruddiman Creek to the west, Laketon Ave. to the north,
Seaway Dr. to the east, and Sherman Blvd. to the south.

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 11, 2005 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **January 1, 2005**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1597

NEW CONSTRUCTION

HEARING DATE

JANUARY 11, 2005

EVART ST., ALLEN AVE. TO AMITY AVE.

1	COOPER ELI	ASSESSABLE FEET:	62
24-850-002-0012-00	5967 AIRLINE RD	COST PER FOOT:	\$32.00
@ 1291. AMITY AVE	FRUITPORT MI 49415	<u>ESTIMATED P.O. COST:</u>	<u>\$1,984.00</u>

2	MORRIS CLARA P	ASSESSABLE FEET:	62
24-850-002-0001-00	941 EVART ST	COST PER FOOT:	\$32.00
@ 941.0 EVART ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,984.00</u>

3	PUTNEY ROYCE H	ASSESSABLE FEET:	62
24-785-000-0029-00	912 EVART ST	COST PER FOOT:	\$32.00
@ 912.0 EVART ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,984.00</u>

4	ODNEAL ROBERT	ASSESSABLE FEET:	62
24-785-000-0027-00	1316 ALLEN AVE	COST PER FOOT:	\$32.00
@ 1316. ALLEN AVE	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,984.00</u>

SUM OF ASSESSABLE FOOTAGE:	<u>248.00</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$7,936.00</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	4.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: EVART ST., ALLEN AVE. TO AMITY AVE.

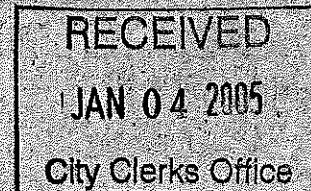
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1316 ALLEN AVE
Parcel Number 24-785-000-0027-00
Assessable Frontage: \$62.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,984.00



Property Description

CITY OF MUSKEGON
SUN CREST
LOTS 27 & 28

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 Odneal

CoOwner/Spouse

Lucille Odneal

Signature

Muskegon MI 49442

Signature

316 Allen Ave

Address

1316 Allen Ave

Address

Muskegon MI 49442

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

ODNEAL ROBERT

H-1597 EVART ST., ALLEN AVE. TO AMITY AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 4									
			FOR						OPPOSE			
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	248.00 ***		4	1316	ALLEN	24-785-000-0027-00	62.00	1	1291	AMITY	24-850-002-0012-00	62.00
			2	941	EVART	24-850-002-0001-00	62.00					
FRONT FEET OPPOSED	62.00	25.00%										
RESPONDING FRONT FEET IN FAVOR	124.00	50.00%										
NOT RESPONDING - FRONT FEET IN FAVOR	62.00	25.00%										
TOTAL FRONT FEET IN FAVOR	186.00	75.00%										

TOTALS

124.00

62.00

TABULATED AS OF: #####

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: EVART ST., ALLEN AVE. TO AMITY AVE.

Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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

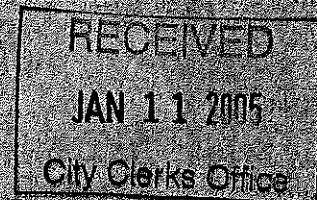
Assessment Information

Property Address: 1291 AMITY AVE
Parcel Number 24-850-002-0012-00
Assessable Frontage: \$62.00 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$1,984.00

Property Description

CITY OF MUSKEGON
WAGENMAKERS SUB DIVISION
LOT 12 BLK 2



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner ELI COOPER CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 5267 AIRLINE RD Address _____

FRUITPORT MI 49415
Thank you for taking the time to vote on this important issue.

COOPER ELI

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By: JANUARY 11, 2005

Project Title: EVART ST., ALLEN AVE. TO AMITY AVE.

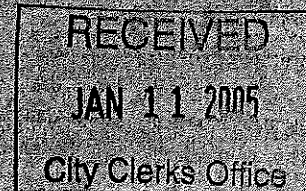
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	941 EVART ST
Parcel Number	24-850-002-0001-00
Assessable Frontage:	\$62.00 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$1,984.00



Property Description

CITY OF MUSKEGON
WAGENMAKERS SUB DIVISION
LOTS 1 & 2 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>Clara Mancini</u>	CoOwner/Spouse	_____
Signature	<u>Clara Mancini</u>	Signature	_____
Address	<u>941-51st St</u>	Address	_____

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

MORRIS CLARK

Commission Meeting Date: January 11, 2005

Date: December 22, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at

SUMMARY OF REQUEST:

Request to rezone property located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 single Family Residential to RM-1 Low Density Multiple-family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 12/16/04 meeting. Commissioners Spataro, Aslakson, Johnson, Sartorius, Mazade, & Warmington voted for denial. Commissioners Michalski voted against denial. T. Harryman and B. Smith were absent.

CITY OF MUSKEGON

RESOLUTION #2005- 04 (a)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 2111, 2123 and 2137 McCracken Street and also 2117 & 2125 Lakeshore Drive was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on December 16, 2004, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map, Master Land Use Plan and zoning district intent.

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 11th day of January, 2005.

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

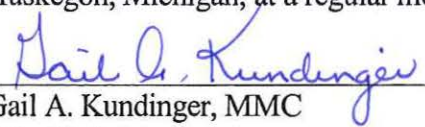
Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

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 11, 2005.


Gail A. Kunding, MMC
City Clerk

Staff Report
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

December 16, 2004

Hearing; Case 2004-45: Request to rezone the properties located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, by Dave Medendorp (Lakeside MG, LLC)

BACKGROUND

Applicant: Greg Hodge, Hodge Development Services, LLC, 2170 Eagle Boulevard, Holland MI, for Dave Medendorp, Lakeside MG, LLC, 1465 East Apple Avenue, Muskegon MI

Address/Location of Subject Property: 2111, 2123 & 2137 McCracken Street and 2117 & 2125 Lakeshore Drive

Current Use: McCracken Street, vacant; Lakeshore Drive, single-family

Current Zoning: R-1 One-Family Residential District

Proposed Zoning: RM-1 Low Density Multiple-Family Residential District

STAFF OBSERVATIONS

1. The applicant withdrew the original request for rezoning of the property to RM-1 at the October 14, 2004, Planning Commission meeting. (The associated Preliminary PUD review was subsequently tabled at that same meeting.)
2. The rezoning request has not changed, only the Preliminary PUD plan has been revised. It is to be reviewed separately after being removed from the table prior to holding a public hearing.
3. The subject property is located at the southwest corner of Lakeshore Drive and McCracken Street. The three parcels along McCracken Street are remnants of a former railroad right-of-way and the two along Lakeshore Avenue are platted lots. The entire project site is zoned R-1, as are all properties on the block. Across Lakeshore Avenue, zoning of properties within the notification area include R-1 and B-4. Across McCracken Street, the properties facing Lakeshore are zoned RM-1 and those facing Harrison Avenue are zoned R-1. Zoning of properties to the south, across Harrison, is R-1. The neighborhood is predominantly single family residential other than along Lakeshore Avenue, where there is a mix of single and multi family uses, commercial uses and vacant land.

4. The Future Land Use Map shows the subject property to be "Single & Two-Family Residential." It is adjacent to the "Lakeside Pedestrian Scale Mixed-Use Area" across Lakeshore Drive, which promotes "pedestrian-friendly, mixed-use development and redevelopment."
5. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the McGraft Park Residential Sub-Area as single family in orientation. As such, the Master Plan supports ongoing efforts towards the rehabilitation of mature housing stock for continuing single family use and, where feasible, the construction of new single family detached homes. Moreover, those features of the sub-area considered highly beneficial to the area's residential character, aesthetic quality and life style should be fully protected and, where necessary, enhanced. These include McGraft Park, Seyferth Playfield, and tributaries of Ruddiman Lagoon.
 - ◆ While fostering the above goal, it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts of the sub-area's residential focus.
6. The Master Plan recommends for this sub-area:
 - ◆ Maintain the character of the sub-area as single family residential. Limited multiple-family may be permitted provided:
 - Residential density (units per acre) does not exceed underlying single family standards by more than 50%;
 - Sufficient onsite parking exists to accommodate all units;
 - The character of the multiple family complex (building and site) must be consistent with that of surrounding residential development;
 - All units should have on-site access to at least (1) stall of an enclosed garage; and
 - All projects should be subject to site plan review by the Planning Commission.
 - ◆ Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development.
 - ◆ Commercial development along Lakeshore Drive should be restricted to the B-2 zone district classification

While it is recognized that Lakeshore Drive serves a rather high amount of transient traffic, many of the uses permitted within the present B-4 areas (e.g., major automobile repair, storage of wrecked automobiles, storage of goods, parts assembly, vehicular sales, flea markets, etc.) are not conducive to the planned character of the area.
7. Though the subject property is not located within it, it is adjacent to the Lakeside area. The City of Muskegon Waterfront Redevelopment Sub-Plan 1999 recognizes the residential character of the Lakeside area and recommends mostly residential with some mixed-use commercial/office

and residential development that utilizes and respects local vernacular styles for the design of new buildings and preserves views of the lake.

8. The RM-1 district permits multiple family dwellings, up to 16 dwelling units per acre; current R-1 zoning permits single family detached dwellings, up to seven (7) dwelling units per acre. The PUD option allows for mixed land uses that are compatible with each other. The maximum number of units permitted on the site is: R-1, 5 dwelling units; R-T, 7 dwelling units; RM-1, 11 dwelling units.
9. There were no concerns or comments expressed by the Fire, Police or Public Works Departments.
10. Mrs. Huddleston, 2120 Miner Avenue, stated she was against the request because she feels there are too many rentals already and because of traffic concerns.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
3. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:

3. ...
Churches and other facilities normally incidental thereto subject to the following conditions:
...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

Planned unit developments (PUDs) may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the single family residential district is to allow for flexibility in the design of housing developments, including but not limited to condominium developments and cluster subdivisions, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.

1. - 9. ...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 6,000 sq. feet
2. Density (see definition in Article II): 7 dwelling units per buildable acre.
3. Maximum lot coverage:
Buildings: 50%
Pavement: 10%
4. Lot width: 50 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
5. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
6. Height limit: 2 stories or 35 feet.
Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).
7. Front Setbacks:
Minimum:
Expressway, Arterial Street or Major Street: 30 feet
Collector Street: 25 feet
Minor Street: 15 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the front setback is below the minimum required.

8. Rear setback: 30 feet
9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).
10. Side setbacks:
 - 1-story: 6 feet and 10 feet
 - 2-story: 8 feet and 12 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
...

ARTICLE VII - RM-1 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low Density Multiple Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One Family and Two Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low Density Multiple Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Bed & Breakfast facilities, under the following conditions: [amended 7/03]
...
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
8. Foster Care Small Group Homes. [amended 11/02]
9. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.

10. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED [amended 2/02] [amended 2/03]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.
4. Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
5. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
6. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
7. Uses similar to the above Special Land Uses Permitted.

SECTION 702: PLANNED UNIT DEVELOPMENT [amended 10/98]

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-1 Low Density Multiple Family Residential District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 703: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Density (see definition in Article II): 16 dwelling units per buildable acre.
3. Dedicated open space requirement: 15 %
4. Maximum lot coverage:
Buildings: 60 %
Pavement: 20 %
5. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
6. Maximum building width: 50% (as a portion of the lot width).
7. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.

8. Height limit: 3 stories or 50 feet.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

9. Front Setbacks:

Minimum:

Expressway, Arterial Street or Major Street: 30 feet

Collector Street: 25 feet

Minor Street: 20 feet

10. Rear setback: 30 feet

11. Setback from the ordinary high water mark or wetland: 50 feet (principal structures only).

12. Side setbacks:

1-story: 8 feet and 12 feet

2-story: 10 feet and 14 feet

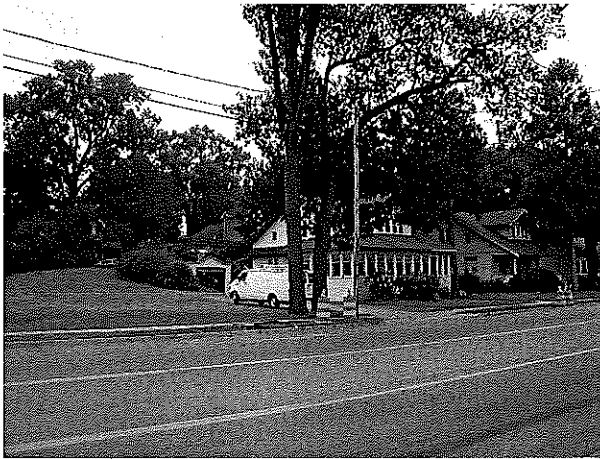
3-story: 12 feet and 16 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

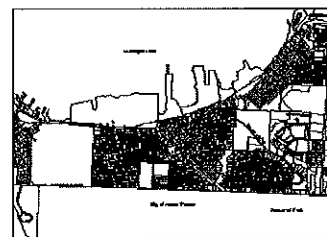
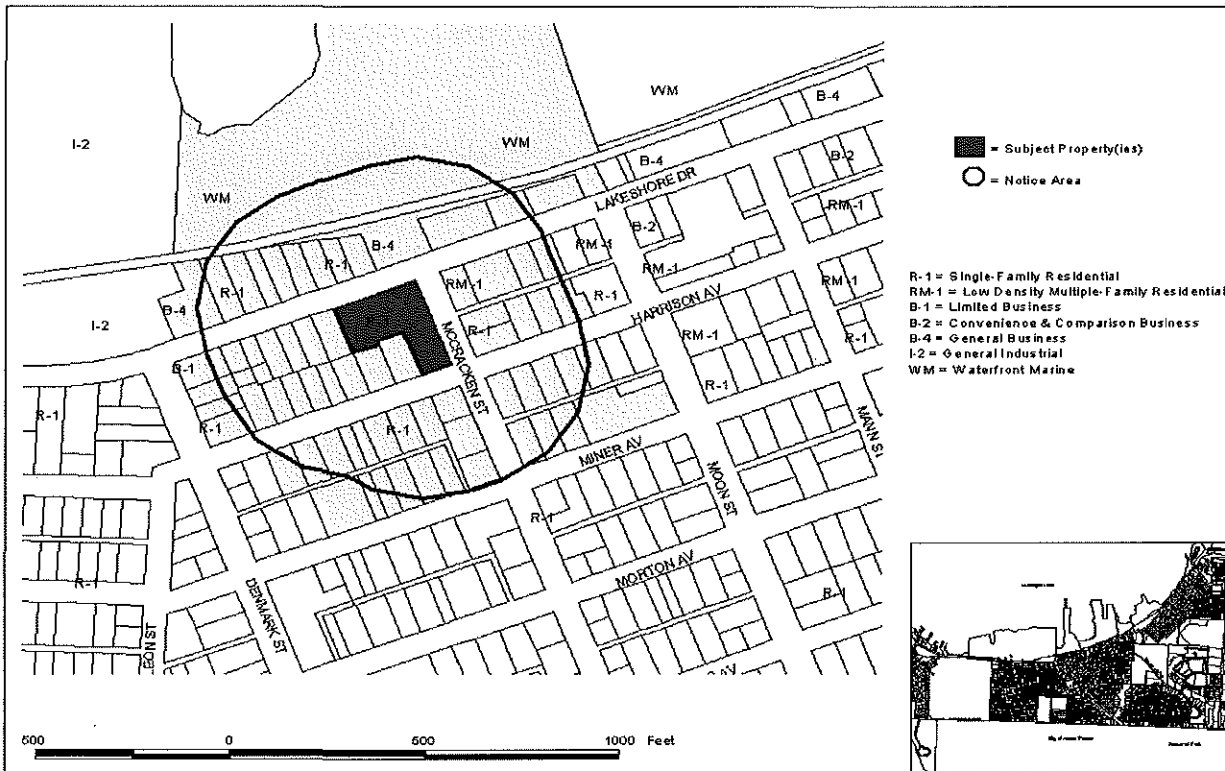
13. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]

...

14. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]



**City of Muskegon
Planning Commission
Case # 2004-34 & 35**



RECOMMENDATION

The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based upon the goals and recommendations of the Master Plan, however, the requested RM-1 zone is a more intense zone district than expected for the area, though there is previously zoned RM-1 property directly across McCracken Street.

Further, the Master Plan recommendation that the density not exceed 50% of the allowable R-1 density is not satisfied by the RM-1 zone. Recommended density should not exceed 10.5 dwelling units per buildable acre; RM-1 zoning permits 16.

By comparison, the RT Two Family Residential District's Principal Uses Permitted are comparable to the R-1 zone and it allows 10 dwelling units per buildable acre, while the PUD option still allows mixed uses. Though staff finds the RT zone more appropriate for the site per the 1997 Master Plan and the 1999 Waterfront Redevelopment Sub-Plan, development in the area has not necessarily mirrored the expectations at the times when those plans were adopted.

Based upon the above analysis, staff is recommending denial of the request to rezone the subject property from R-1 to RM-1 because the request does not conform to the goals and recommendations of the 1997 Master Plan, finding that the RT zone is more appropriate. Should the Planning Commission find that the goals and recommendations of the current plans are not reflective of current conditions and expected trends, and choose to recommend the City Commission rezone the property, appropriate changes in the Master Plan should be made at or before the next major Master Plan update.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?

5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City?**
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. **The loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**
7. Is the proposed zoning change a **“Spot Zone”**?
 - a. Is the parcel **small in size relative to its surroundings?**
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan.**

DETERMINATION

The following motions are offered for consideration:

I move that the request to rezone the properties located at 2111, 2123 and 2137 McCracken Street and 2117, 2125 Lakeshore Drive, from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 01/11/05

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: January 10, 2005
RE: Resolution to Support the Muskegon County Grant Application for the DMDC Site.

SUMMARY OF REQUEST:

To adopt a resolution to support Muskegon County's CDBG application to the State of Michigan to fund the public infrastructure for the DMDC site. This funding is critical for the project to begin construction this summer.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

None

Resolution 2005-04(b)

City of Muskegon

WHEREAS, the Downtown Muskegon Development Corporation (DMDC) acquired the former Muskegon Mall property for the purpose of redeveloping it into a key part of the City's Central Business District that will become the cornerstone urban development project for Muskegon County, and

WHEREAS, the DMDC has deconstructed the majority of the buildings on the former mall site to ready the site for new development, and

WHEREAS, the next step in revitalizing this vast (23 acres) site is to put in the public infrastructure into this site so the property can be reused and attract private investment, and

WHEREAS, the DMDC is working closely with the City of Muskegon to plan and design the public infrastructure that is vital to redeveloping this property, and

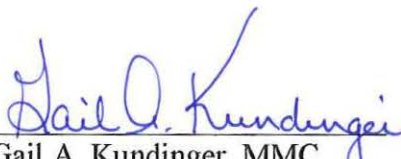
WHEREAS, the engineering design for the infrastructure has begun and construction will be ready to begin in the summer of 2005, and

WHEREAS, the funding for the infrastructure, which has not yet been secured, is critical for this project to continue forward and for the site to be ready for private investment this year, and

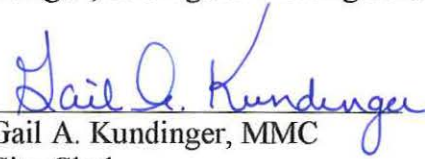
WHEREAS the County of Muskegon is applying for a Community development Block Grant (CDBG) through the State of Michigan to fund the infrastructure because the project is regional economic development project and impacts the entire Muskegon area and beyond.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission supports the County of Muskegon's CDBG application and strongly encourages the State Michigan to fund the County's grant request.

Adopted on January 11, 2005.


Gail A. Kunding, MMC
City Clerk

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, Michigan, at a regular meeting held on January 11, 2005.


Gail A. Kunding, MMC
City Clerk

CITY COMMISSION CHAMBERS @ 5:30 P.M.

CITIZEN'S CONCERN FORM

*****Please make sure that all cell phones are turned off during meeting.**