

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 28, 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. Approval of a Neighborhood Enterprise Zone Certificate. PLANNING & ECONOMIC DEVELOPMENT
 - C. FIRST READING: Zoning Ordinance Amendment to the Zoning Ordinance for Prohibited Signs. PLANNING & ECONOMIC DEVELOPMENT
 - D. FIRST READING: Rezoning Request for Property Located at 921 Turner Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. FIRST READING: Rezoning Request for Property Located Between Nelson Street and W. Harbour Towne Circle. PLANNING & ECONOMIC DEVELOPMENT
 - F. FIRST READING: Rezoning Request for Property Located at 190 Wood Street. PLANNING & ECONOMIC DEVELOPMENT
 - G. Request to Allow Two Alcohol Licenses on July 15, 2005, Within the City of Muskegon (Great Lakes Marina & Muskegon Sport-fishing Association). ASSISTANT CITY MANAGER
 - H. Request to Allow Two Alcohol Licenses on July 29, 2005, Within the City of Muskegon (Big Fat Greek Festival & Muskegon Community Health Project). ASSISTANT CITY MANAGER
 - I. Approval of Contractor for Construction of House at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES
 - J. City – MDOT Agreement for Southern Avenue, Seaway to Sixth Street. ENGINEERING

K. Backhoe Replacement. PUBLIC WORKS

□ PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Pine Street, Laketon to Dale Avenue. ENGINEERING

B. Spreading of the Special Assessment Roll for Evarf Street, Allen to Amity Avenue. ENGINEERING

C. Spreading of the Special Assessment Roll for Dale Avenue, McGraff to Ruddiman Street. ENGINEERING

□ COMMUNICATIONS:

□ CITY MANAGER'S REPORT:

□ UNFINISHED BUSINESS:

□ NEW BUSINESS:

A. Request for Amendment to the Planned Unit Development for 100 Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

B. Approval of Contractor for Construction of Three Homes Under Walton Street Renaissance AKA Hilltop View Phase II. COMMUNITY & NEIGHBORHOOD SERVICES

C. Resolution to Sell 284 Iona. COMMUNITY & NEIGHBORHOOD SERVICES

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTIONS

1. 621 Adams

2. 336 Catawba (Area 11b)

3. 1916 Clinton

4. 2355 Lincoln

5. 1778 Pine

6. 1191 Seventh

□ ANY OTHER BUSINESS:

□ PUBLIC PARTICIPATION:

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Fill out a request to speak form attached to the agenda or located in the back of the room.

➤ Submit the form to the City Clerk.

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

□ ADJOURNMENT:

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

Date: June 28, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the June 6th Community Relations Committee Meeting, the June 13th Commission Worksession Meeting, and the June 14th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 28, 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, June 28, 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 Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-56 HONORS AND AWARDS:

Bob Kuhn, Director of Public Works, presented Larry DeCou with the Individual Heroism Award; and presented Milbocker and Sons, Fleis & Vandenbrink, and Mayor Warmington with the 2005 Project of the Year Award for Shoreline Drive.

2005-57 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 6th Community Relations Committee Meeting, the June 13th Commission Worksession Meeting, and the June 14th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Approval of a Neighborhood Enterprise Zone Certificate. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from April & Jason Bryant to rehabilitate a home in the Nelson Neighborhood at 583 W. Webster. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be \$23,000. The roof and windows will be replaced. The siding will be repaired. The interior walls, door, and trim will be refinished. There

will be electrical work done as well. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the Neighborhood Enterprise Zone certificate.

C. FIRST READING: Zoning Ordinance Amendment to the Zoning Ordinance for Prohibited Signs. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334(4.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 3/10/05 meeting. The vote was unanimous in favor of the amendment, with B. Mazade, T. Harryman and S. Warmington absent.

D. FIRST READING: Rezoning Request for Property Located at 921 Turner Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 921 Turner Avenue, from I-1, Light Industrial to R-1, Single Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/16/05 meeting. The vote was unanimous with S. Warmington and B. Mazade absent.

E. FIRST READING: Rezoning Request for Property Located Between Nelson Street and W. Harbour Towne Circle. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located between Nelson Street and W. Harbour Towne Circle, from LR, Lakefront Recreation to R-1, Single Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/16/05 meeting. Voting in favor of the request were J. Aslakson, S. Spataro, T. Johnson, B. Smith, T. Harryman, and T. Michalski. B. Turnquist voted against the request, with S. Warmington and B. Mazade absent.

F. Rezoning Request for Property Located at 190 Wood Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 190 Wood Street from RM-1 Low Density Multiple-Family Residential to I-2, General Industrial.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 5/12/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Michalski, Smith & Harryman voted for denial. S. Warmington and B. Mazade were absent.

G. Request to Allow Two Alcohol Licenses on July 15, 2005, Within the City of Muskegon (Great Lakes Marina & Muskegon Sport-fishing Association). ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To allow two liquor licenses within the City on Friday, July 15, 2005. Party-In-The-Park has an approved liquor license for that same day. Great Lakes Marina/Muskegon Sport-fishing Association would also like to have a liquor license for that day. The current Special Events Policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

I. Approval of Contractor for Construction of House at 747 Marcoux. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Bantam Group, 962 Stonewood Drive, Spring Lake, MI 49456 for the construction of the new home to be located at 747 Marcoux for the cost of \$118,821. The site at 747 Marcoux formerly was occupied by a Turnkey 3 home that was demolished. After the construction is completed, the new home will be sold to a qualified first-time homebuyer continuing the City's aggressive neighborhood revitalization efforts under the Operation "At Long Last" AKA Ridge Top View.

The City received three other bids:

Urban Development Corp.	109 E. Laketon, Muskegon	\$121,700
Fisher Builders	4153 W. Giles, N. Muskegon	\$125,919
Top Notch Design	4753 Jensen, Fruitport	\$135,850

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the CNS Office to develop a contract with Bantam Group and direct the Mayor and Clerk to sign the contract.

J. City – MDOT Agreement for Southern Avenue, Seaway to Sixth Street.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Southern Avenue from Seaway Drive to Sixth Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is estimated at \$350,795 but not to exceed 81.85% of eligible cost. The estimated total construction cost (without engineering) of the project, including the non-participating items of watermain & sanitary sewer, is \$648,700.

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

STAFF RECOMMENDATION: Approve the agreement and resolution.

K. Backhoe Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one 580M backhoe from West Michigan Power.

FINANCIAL IMPACT: Cost \$59,000 less \$26,500 for the sale of our old unit. Total cost of \$32,500.

BUDGET ACTION REQUIRED: None. There is \$65,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 580M backhoe from West Michigan Power.

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

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

Nays: None

MOTION PASSES

2005-58 ITEM REMOVED FROM THE CONSENT AGENDA:

H. Request to Allow Two Alcohol Licenses on July 29, 2005, Within the City

of Muskegon (Big Fat Greek Festival & Muskegon Community Health Project). ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To allow two liquor licenses within the City on Friday, July 29, 2005. Party-In-The-Park has an approved liquor license for that same day. Big Fat Greek Festival/Muskegon Community Health Project would also like to have a liquor license for that day. The current Special Events Policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the request for two alcohol licenses on July 29, 2005, within the City of Muskegon with the provision that if the Big Fat Greek Festival wishes to serve hard liquor their requested will be discussed at the next Commission Meeting.

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

Nays: None

MOTION PASSES

2005-59 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Pine Street, Laketon to Dale Avenue. ENGINEERING

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

FINANCIAL IMPACT: A total of \$11,255.79 would be spread against the thirty-two (32) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:53 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Carter to close the Public Hearing at 5:55 p.m. and approve the spreading of the special assessment roll for Pine Street from Laketon to Dale Avenue.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Evarf Street, Allen to Amify

Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Evert Street from Allen Avenue to Amity Avenue and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$8,472.45 would be spread against the four (4) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:56 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Shepherd, second by Commissioner Spataro to close the Public Hearing at 5:57 p.m. and approve the spreading of the special assessment roll for Evert Street from Allen to Amity Avenue.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Dale Avenue, McGraft to Ruddiman Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Dale Avenue from McGraft Street to Ruddiman Street and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$16,252.22 would be spread against the nine (9) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:59 p.m. and approve the spreading of the special assessment roll for Dale Avenue, McGraft to Ruddiman Street.

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

Nays: None

MOTION PASSES

2005-60 NEW BUSINESS:

A. Request for Amendment to the Planned Unit Development for 100 Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Planned Unit Development for 100 Muskegon Mall (the former Muskegon Mall property), to revise the street design.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request, with the conditions outlined in the resolution.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/28/05 meeting. The vote was unanimous, with B. Mazade and S. Warmington absent.

Motion by Spataro, second by Gawron to approve the request for amendment to the Planned Unit Development for 100 Muskegon Mall.

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

Nays: None

MOTION PASSES

B. Approval of Contractor for Construction of Three Homes Under Walton Street Renaissance AKA Hilltop View Phase II. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Urban Development Construction Company, 109 E. Laketon who submitted the lowest bid for the second phase of construction for three homes on Walton Street for the aggregate price \$322,600. The name of the project is Walton Street Renaissance AKA Hilltop View Phase II. The CNS Department received three other bids:

Fisher Builders	4153 W. Giles Rd., N. Muskegon	\$341,584.32
Bantam Group	962 Stonewood, Spring Lake	\$355,347.00
Rich Construction	P.O. Box 125, Fremont	\$395,824.13

This project is a joint venture between the City of Muskegon Community and Neighborhood Services, Neighborhood Investment Corporation, and Fifth Third Bank.

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds program income, Neighborhood Investment Corporation funds and funds allocated by Fifth Third Bank.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the CNS Office to develop a contract with the lowest bided contractor and direct the Clerk and Mayor to sign the contract.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the contractor for construction of three homes under Walton Street Renaissance AKA Hilltop View Phase II with Urban Development Construction Company.

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

Nays: None

MOTION PASSES

C. Resolution to Sell 284 Iona. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution to sell the City owned house at 284 Iona to Mr. Donates M. Keenan, for the appraised value of \$114,500 minus the \$35,000 subsidy. The site at 284 Iona was originally a former Turnkey 3 site that had created a blighting influence on the City for a number of years. The City of Muskegon purchased the eight sites from the Muskegon Housing Commission and demolished all the obsolescent structures. The new home at 284 Iona was built by the City to replace the demolished house as a part of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from the sale will be deposited in the City's HOME account.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and the sale of 284 Iona to Mr. Keenan and his family.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of the City owned home at 284 Iona to Mr. Donatese M. Keenan.

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

Nays: None

MOTION PASSES

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTIONS

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

621 Adams

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals

decision to demolish.

336 Catawba (Area 11b)

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

1778 Pine

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

1191 Seventh

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish 621 Adams, 336 Catawba, 1778 Pine, and 1191 Seventh.

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

Nays: None

MOTION PASSES

1916 Clinton

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish 1916 Clinton but delay action for 30 days with the proviso that the applicant pulls all permits and has all proper inspections.

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

Nays: None

MOTION PASSES

2355 Lincoln

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals notice and order to demolish 2355 Lincoln.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:48 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail A. Kunding".

Gail A. Kunding, MMC
City Clerk

AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – June 28, 2005

TO: Honorable Mayor & City Commissioners

FROM: Planning Department *CBC*

DATE: June 13, 2005

SUBJECT: Approval of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from April & Jason Bryant to rehabilitate a home in the Nelson neighborhood at 583 W. Webster. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be \$23,000. The roof and windows will be replaced. The siding will be repaired. The interior walls, door, and trim will be refinished. There will be electrical work done as well. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2005-57(b)

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by April & Jason Bryant to rehabilitate a home at 583 W. Webster in the Nelson neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by April & Jason Bryant be approved.

Adopted this, 28th day of June, 2005.

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

Nays: None

Absent: None

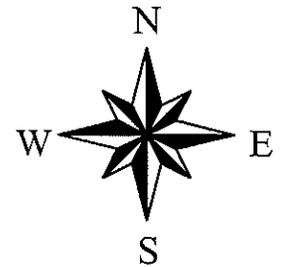
By: Bill Larson
Bill Larson, Vice Mayor

Attest: Gail Kundingier
Gail Kundingier, MMC
City Clerk

583 W. Webster - NEZ Certificate



□ Neighborhood enterprise zone dwnt



FAXED RECEIVED

JUN 08 2005

NEIGHBORHOOD ENTERPRISE ZONE REVIEW FORM

APPROVED POSTED
CITY OF MUSKEGON TREASURY

Applicant: April + Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____
Inspections	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied	Amount <u>SEE BELOW</u>

OK -
paid 10-28-05

Department Signature: *[Signature]* 06/13/05

Gail A. Kunding, City Clerk
NEZ Coordinator

UNPAID ITEM(S)

INVOICE # ENV 1502 - MOWING FEE (WORK ON 08/17/04) \$86.00
 INVOICE # 9831764 - MOWING FEE (WORK ON 07/30/03) \$80.00

NOTE: NEW OWNER NEEDS TO SIGN ON AT CITY HALL FOR
WATER BILLING SERVICE.

NEIGHBORHOOD ENTERPRISE ZONE
REVIEW FORM

Applicant: April & Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____
Inspections	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____

Department Signature: 

Gail A. Kunding, City Clerk
NEZ Coordinator

NEIGHBORHOOD ENTERPRISE ZONE
REVIEW FORM

Applicant: April + Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____
Inspections	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____

Department Signature: William H. Gifford

Gail A. Kunding, City Clerk
NEZ Coordinator

NEIGHBORHOOD ENTERPRISE ZONE
REVIEW FORM

Applicant: April + Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount <u> </u>
Inspections	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount <u> </u>

Department Signature: 

Gail A. Kunding, City Clerk
NEZ Coordinator

NEIGHBORHOOD ENTERPRISE ZONE
REVIEW FORM

Applicant: April + Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____
Inspections	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____

Department Signature: 

Gail A. Kunding, City Clerk
NEZ Coordinator

Clerks
Office

NEIGHBORHOOD ENTERPRISE ZONE REVIEW FORM

Applicant: April + Jason Bryant

Location of Facility: 583 W. Webster

Assessor	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
CNS	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Income Tax	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____
Inspections	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Planning	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Treasurer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Amount _____

Department Signature: Alope Mitchell

Gail A. Kunding, City Clerk
NEZ Coordinator

Application for Neighborhood Enterprise Zone Certificate

Issued under authority of P.A. 147 of 1992, as amended.

Read this form before completing application. **This application must be filed prior to building permit issuance and start of construction.** File initially one original and two copies of this form. File all additional required attachments (three complete sets) when completed with the clerk of the local government unit.

To be Completed by Clerk of Local Government Unit		City or Township Name f	Local Unit Code
Signature		Address of Clerk	
Date Received 6-8-05	Application Number	State Tax Commission Use Only	

Applicant, Do Not Write Above This Line. Begin Entries at 1 Below.

1. Applicant Name April & Jason Bryant			
2. Location of Facility (No. and Street, City, State, ZIP) 583 W. Webster Ave. Muskegon MI 49440		3. County Muskegon	School Code
4. Applicant's Mailing Address (No. and Street, City, State, ZIP) 583 W. Webster Ave. Muskegon MI 49440		5. School District Muskegon	
6. Type of Approval Required <input type="checkbox"/> New Facility <input checked="" type="checkbox"/> Rehabilitation		7. How Many Years Approval Requested 12	
8. Is Building Owned or Rented by the Occupant? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented		9. Type of Property <input checked="" type="checkbox"/> House <input type="checkbox"/> Duplex <input type="checkbox"/> Apartment - Number of Units <input type="checkbox"/> Condo	
10. Name of Governing Body That Established District City of Muskegon		11. Name and Number Assigned to Neighborhood Enterprise Zone	
12. Date District Established		13. Was the Work Completed by <input checked="" type="checkbox"/> Licensed Contractor <input type="checkbox"/> Other	
14. Total Project Cost <input type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated		15. Investment Cost (Breakdown in #17) \$ 23,000	
16. Timetable for Undertaking and Completing the Rehabilitation or Construction of the Facility 6/05 - 7/05			
17. Describe the General Nature and Extent of the Rehabilitation or New Construction to be Undertaken and Breakdown of Investment Cost (use attachments if necessary) Roof - 4969 (replace) Interior - refinish walls, door, trim - \$8,630 Windows - \$6000 (replace) Siding - \$2600 (repair) Electric work - \$200			
18. Rehabilitation Applicants Only: Attach Assessor's Statement (See required attachment number 5 below)		18a. Taxable Value of Real Property \$	
19. Who should be contacted if more information is required to act on this application?	Name Jessica Ekey - Neighborhood Investment		
	Address (No. and Street, City, State, ZIP) 1115 3rd Street Muskegon MI 49441		
	Title Rehabilitation Manager		Telephone Number (231) 727-0809

Required Attachments to Application:

1. Legal description of the real property with parcel code number of the property.
 2. Proof of date of commencement of construction, such as building permit or affidavit as to the start of a project by the contractor.
 3. Certificate of occupancy.
 4. Resolution approving the application.
- IN ADDITION TO 1 - 4 SUBMIT 5 and 6 FOR REHABILITATION APPLICATIONS ONLY.**
5. Statement by the assessor showing the taxable value of the rehabilitated facility not including the land, for the tax year immediately preceding the effective date of the rehabilitation.
 6. Certification by the local building official, certifying that the building meets minimum building codes for the local unit. A rehabilitation certificate will not be issued until this certification is filed with the State of Michigan.

Continued on reverse side

APPLICANT'S CERTIFICATION

The undersigned owner making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the residential real property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provision of P.A. 147 of 1992, being Sections 207.771 to 207.787, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, he/she has complied or will comply with all of the requirements thereof which are necessary to the issuance of a Neighborhood Enterprise Zone Certificate.

Print Name of Owner <i>April Bryant</i>	Title <i>Owner</i>
Signature <i>April Bryant</i>	Date <i>6-2-05</i>

LOCAL GOVERNMENT ACTION

<input type="checkbox"/> APPROVED FOR 12 YEARS	
Name of Local Government Unit	Date of Action on This Application

Attached hereto is a copy of the resolution showing the action taken by the above-named local government unit on this application.

Signature of Clerk	Date
--------------------	------

INSTRUCTIONS FOR THE LOCAL GOVERNMENT UNIT

The local government unit must act, by resolution, on this application no more than 60 days after receiving it. The clerk shall forward the exemption application to the State Tax Commission immediately.

If an applicant is a builder/developer of this facility, a certificate will not be issued until a single family owner/occupant files an application and the additional required attachments.

If you have any questions, please call Mary Goff (517) 373-0675, Debby Abbruzzese (517) 373-3302 or Dianne O. Wright at (517) 373-2408.

Michigan Department of Treasury
State Tax Commission
Property Tax Division
P.O. Box 30471
Lansing, Michigan 48909-7971

Commission Meeting Date: June 28, 2005

Date: June 17, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Zoning Ordinance Amendment to the Zoning Ordinance for Prohibited Signs

SUMMARY OF REQUEST:

Request to amend Section 2334 (4.) of Article XXIII (General Provisions) to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend the sign ordinance language regarding "Prohibited Signs (all districts)".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 3/10 meeting. The vote was unanimous in favor of the amendment, with B. Mazade, T. Harryman and S. Warmington absent.

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 16, 2005

Hearing; Case 2005-22: Staff initiated request to amend Section 2334, Article XXIII (General Provisions), to amend the language on Prohibited Signs, to allow A-frame signs in additional areas.

BACKGROUND

A recent request by the Lakeside Business Association regarding development of a sign ordinance specific to their area prompted a staff review of the ordinance to see how to best address the concerns and needs of the business district. Staff believes that some small changes to our current sign ordinance could accommodate these needs and concerns. One such need was for the use of "A" frame signs. These types of signs are currently allowed in the Clay-Western and National Historic Register district, with approval of the Historic District Commission. These type of signs are often used in "main street" type areas which experiences pedestrian traffic.

The other change to the ordinance (see addition to j.) would permit signs that overhang or extend into the right-of-way, provided an encroachment agreement is obtained from the City Commission. This also addresses the "A" frame signs. This change to the ordinance would allow more flexibility in other areas of the City similar to this one, such as the development of the new downtown.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are **bold**.

4. **Prohibited Signs (all districts):** The following listed signs are prohibited in any zoning district of the City: [amended 6/03]

- i. Portable "A" frame signs, inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of "portable" sign., ~~Except that "A" frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District approval.~~ **except for the following:**

- 1) **A-frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District Commission**

- approval.**
- 2) **A-frame signs are permitted in the Lakeside Business District (LBD), which is described as property with frontage along Lakeshore Drive between Estes Street to the East and McCracken Street to the West.**
 - 3) **A-frame signs will be temporary in nature and placed directly in front of the business it is advertising.**
 - 4) **Signs will be placed as to allow free-flowing pedestrian traffic in front of the business**
 - 5) **An A-frame sign must be constructed out of sturdy, dense material that will be able to withstand the rugged Muskegon climate.**
 - 6) **All A-frame signs must adhere to the clear vision section of the Zoning Ordinance. (See Section 2334 3,b.)**
 - 7) **An encroachment agreement may be necessary for an A-frame sign, which would be obtained from the City Commission.**
 - 8) **The square footage of any sign face shall not exceed ten (10) square feet. The face of the sign shall not exceed four (4) feet in length.**

- j. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the city. Any signs which encroach upon the public right-of way do not qualify as legal nonconforming signs. Such signs shall be considered an illegal use and shall be removed, **unless an encroachment agreement was obtained from the City Commission.**

DELIBERATION

I move that the amendment to Section 2334, Article XXIII (General Provisions), to amend the language on Prohibited Signs, to allow A-frame signs in additional areas, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2154

An ordinance to amend Section 2334 (4.) of Article XXIII (General Provisions) of the Zoning Ordinance to amend the ordinance language regarding “Prohibited Signs (all districts)”.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (4.) of Article XXIII (General Provisions) is hereby amended to regarding the ordinance language regarding “Prohibited Signs (all districts)”:

4. **Prohibited Signs (all districts):** The following listed signs are prohibited in any zoning district of the City: [amended 6/03]
 - i. Portable “A” frame signs, inverted “T” signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of “portable” sign), **except for the following:**
 - 1) **A-frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District Commission approval.**
 - 2) **A-frame signs are permitted in the Lakeside Business District (LBD), which is described as property with frontage along Lakeshore Drive between Estes Street to the East and McCracken Street to the West.**
 - 3) **A-frame signs will be temporary in nature and placed directly in front of the business it is advertising.**
 - 4) **Signs will be placed as to allow free-flowing pedestrian traffic in front of the business**
 - 5) **An A-frame sign must be constructed out of sturdy, dense material that will be able to withstand the rugged Muskegon climate.**
 - 6) **All A-frame signs must adhere to the clear vision section of the Zoning Ordinance. (See Section 2334 3,b.)**
 - 7) **An encroachment agreement may be necessary for an A-frame sign, which would be obtained from the City Engineering Department.**
 - 8) **The square footage of any sign face shall not exceed ten (10) square feet. The face of the sign shall not exceed four (4) feet in length.**

- j. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the city. Any signs which encroach upon the public right-of way do not qualify as legal nonconforming signs. Such signs shall be considered an illegal use and shall be removed, **unless an encroachment agreement was obtained from the City Commission.**

This ordinance adopted:

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

Nays: None

Adoption Date: June 28, 2005

Effective Date: July 16, 2005

First Reading: June 28, 2005

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kundergei
Gail A. Kundergei, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of June, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 28, 2005.

Gail A. Kundergei
Gail A. Kundergei, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on June 28, 2005, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (10.) of Article XXIII (General Provisions) to amend the zoning ordinance language regarding "Prohibited Signs (all districts)".

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

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

Published July 6, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: June 28, 2005

Date: June 17, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
RE: Rezoning request for property located at 921 Turner Avenue

SUMMARY OF REQUEST:

Request to rezone property located at 921 Turner Avenue, from I-1, Light Industrial to R-1, Single Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 6/16 meeting. The vote was unanimous with S. Warmington and B. Mazade absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 2155

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from I-1 "Light Industrial" to R-1 "Single Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-1 "Light Industrial" to R-1 "Single Family Residential":

CITY OF MUSKEGON MELLEMA SUB DIVISION LOTS 30 & 31

This ordinance adopted:

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

Nays: None

Adoption Date: June 28, 2005

Effective Date: July 16, 2005

First Reading: June 28, 2005

Second Reading: N/A

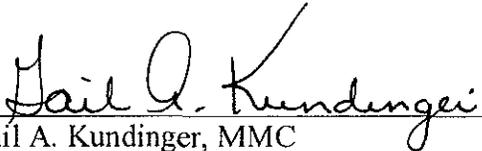
CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, MMC
Clerk

CERTIFICATE (Rezoning of 921 Turner Avenue I-1-1 to R-1)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of June, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 28, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on June 28, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RM-1 "Low Density Multi-Family Residential" to R-1 "Single Family Residential":

CITY OF MUSKEGON MELLEMA SUB DIVISION LOTS 30 & 31

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

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

Published July 6, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 16, 2005

Hearing; Case 2005-19: Request to rezone the property located at 921 Turner Avenue from I-1, Light Industrial, to R-1, Single Family Residential, by David Stewart.

BACKGROUND

Applicant: David Stewart

Property Address/Location: 921 Turner Avenue

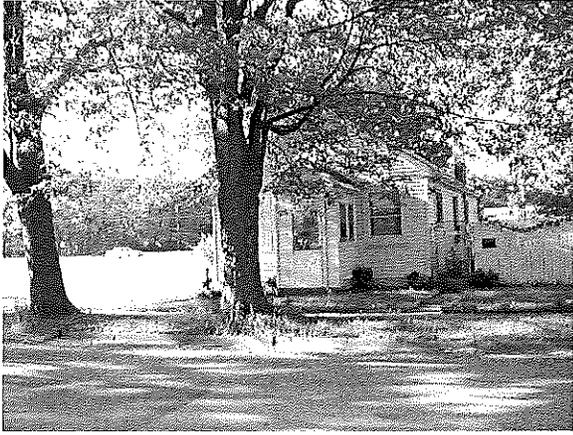
Request: Rezone from I-1, Light Industrial to R-1, One Family Residential

Present Land Use: Residential

Zoning: I-1, Light Industrial

STAFF OBSERVATIONS

1. The subject property at 721 Turner Avenue is single family home.
2. All the other homes located on Turner Avenue are zoned R-1 and it is unknown why this home was ever zoned to I-1. The vacant property to the east is zoned I-1, and is part of a small I-1 district in the area., which includes some sort of vacant commercial building at 940 Turner Avenue, across the street from the subject property.
3. The property owner would like to refinance his home, and since the zoning is industrial, he is having difficulties with the lending institution.
4. Since this home is adjacent to an R-1 district, rezoning it would merely expand the district and place the home within it's correct zoning classification.
5. The Master Land Use Plan recommends "Maintain the sub-area's residential focus".



921 Turner Avenue

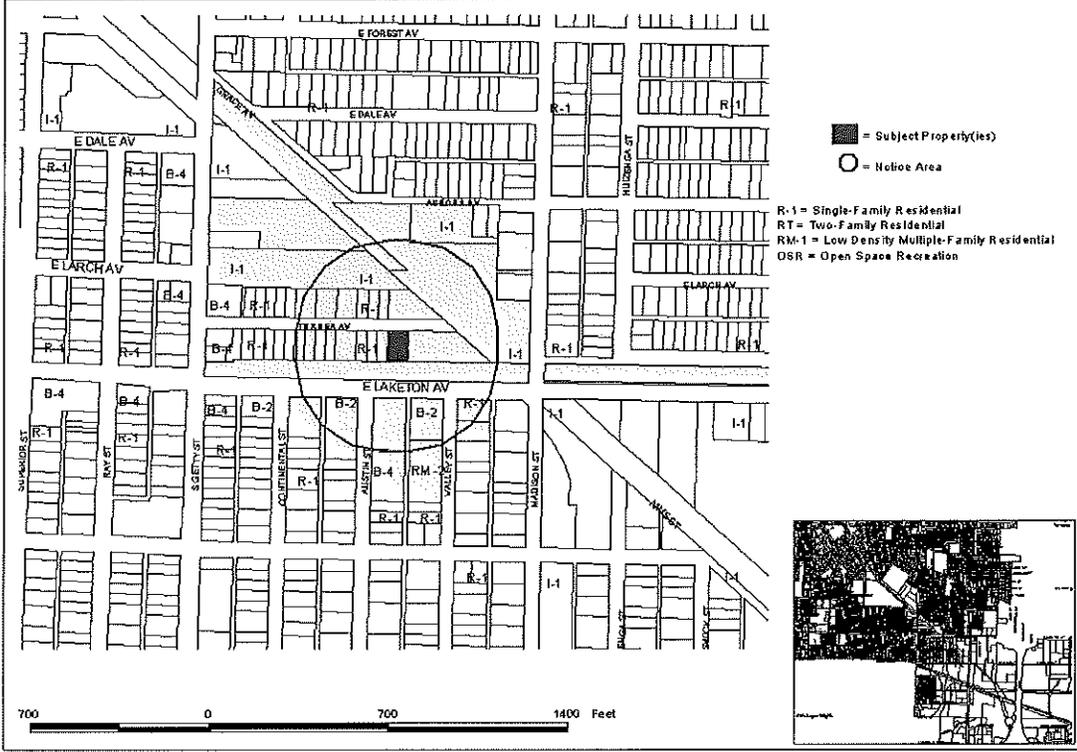


Adjacent industrial property



940 Turner Avenue

**City of Muskegon
Planning Commission
Case # 2005-19**



RECOMMENDATION

It is unlikely that this area will be expanded for more industrial uses. The neighborhood appears to be stable. Taking those things into consideration, and based on the Master Plan for that area, staff recommends approval of the request.

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 motion is offered for consideration:

I move that the request to rezone the property located 921 Turner Avenue, from I-1 Light Industrial to R-1 One Family Residential, 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.

...

Commission Meeting Date: June 28, 2005

Date: June 17, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
**RE: Rezoning request for property located between
Nelson Street and W. Harbour Towne Circle**

SUMMARY OF REQUEST:

Request to rezone property located between Nelson Street and W. Harbour Towne Circle, from LR, Lakefront Recreation to R-1, Single Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 6/16 meeting. Voting in favor of the request were J. Aslakson, S. Spataro, T. Johnson, B. Smith, T. Harryman, and T. Michalski. B. Turnquist voted against the request, with S. Warmington and B. Mazade absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2156

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from LR "Lakefront Recreation" to R-1 "Single Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from LR "Lakefront Recreation" to R-1 "Single Family Residential":

CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3 AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25 AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25

This ordinance adopted:

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

Nays: None

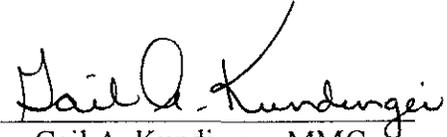
Adoption Date: June 28, 2005

Effective Date: July 16, 2005

First Reading: June 28, 2005

Second Reading: N/A

CITY OF MUSKEGON

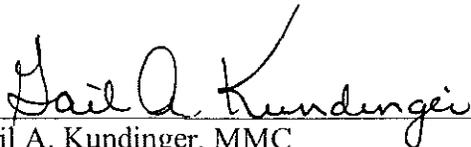
By: 
Gail A. Kunding, MMC
Clerk

CERTIFICATE
Ordinance No. 2156

(Rezoning of property between Nelson Street and W. Harbour Towne Circle LR
to R-1)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of June, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 28, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on June 28, 2005, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from LR "Lakefront Recreation" to R-1 "Single Family Residential":

CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3
AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25
AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO
LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25

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

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

Published July 6, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 16, 2005

Hearing; Case 2005-20: Request to rezone the vacant property at: CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3 AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25 AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25 from LR, Lakefront Recreation, to R-1, Single Family Residential, by Orion Associates.

BACKGROUND

Applicant: Orion Associates

Property Address/Location: None. Located along and including vacated Dewey Street and also at the end of Nelson Street.

Request: Rezone from LR, Lakefront Recreation to R-1, One Family Residential

Present Land Use: Vacant

Zoning: LR, Lakefront Recreation

STAFF OBSERVATIONS

1. The subject property is vacant, but is adjacent to a residential neighborhood. It was previously zoned R-1, but was rezoned to LR in 2001 . That request, as well as the alley and street vacation request, were submitted by John Darian. He was planning to purchase the subject property from Orion Enterprises and develop it, however, that plan fell through.
2. Dewey Street, as well as the alley bounded by Beach St., Nelson St., Ohio St., and Dewey Street, were vacated in 2001.
3. Directly to the East is Harbour Towne Condominimums, which is zoned LR, Lakefront Recreation, but is being developed under a PUD.
4. The properties to the south, west, and north are zoned R-1, One Family

Residential.

5. The applicant would like to develop six residential lots facing Harbour Towne Circle and one residential lot facing Nelson Street.
6. Lakefront Recreation zoning doesn't allow for residential development, except under a Special Use Permit.
7. An easement would need to be obtained from John Darian for a strip of property that he owns between vacated Dewey Street and W. Harbour Town Circle so the six lots can access Harbour Towne Circle.
8. In addition, a variance would be needed to allow for less than 50 feet of frontage on a public or private street. The applicant plans to apply to the Zoning Board of Appeals for this variance, if the rezoning is granted.



View from the end of Nelson Street



View from W. Harbour Town Circle



Views from W. Harbour Town Circle

RECOMMENDATION

The 1997 Master Plan's Future Land Use Map shows the area where this site is located R-1, One Family Residential. Therefore, staff recommends approval of the request.

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 motion is offered for consideration:

I move that the request to rezone the vacant property located at CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3 AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25 AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25 from LR, Lakefront Recreation district to R-1, One 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.

Commission Meeting Date: May 24, 2005

Date: June 27, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 190 Wood Street

SUMMARY OF REQUEST:

Request to rezone property located at 190 Wood Street from RM-1 Low Density Multiple-Family Residential to I-2, General Industrial.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 5/12/05 meeting. Commissioners Spataro, Aslakson, Johnson, Turnquist, Michalski, Smith & Harryman voted for denial. S. Warrington and B. Mazade were absent.

CITY OF MUSKEGON

RESOLUTION #2005-57(f)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 190 Wood Street was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on May 12, 2005, and;

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

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

Adopted this 28th day of June, 2005.

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

Nays: None

Absent: None

By: Bill Larson
Bill Larson, Vice 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 June 28, 2005.

Gail A. Kundinger
Gail A. Kundinger, MMC
City Clerk

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

June 16, 2005

Hearing; Case 2005-18: Request to rezone the property located at 190 Wood Street from RM-1, Low Density Multiple-Family Residential to I-2, General Industrial, by Don Balcom.

BACKGROUND

Applicant: Donald Balcom

Property Address/Location: 190 Wood Street

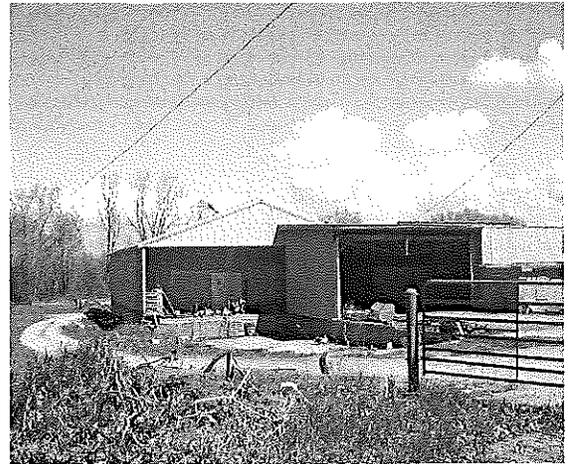
Request: Rezone from RM-1, Low Density Multiple-Family Residential to I-2, General Industrial

Present Land Use: Storage yard

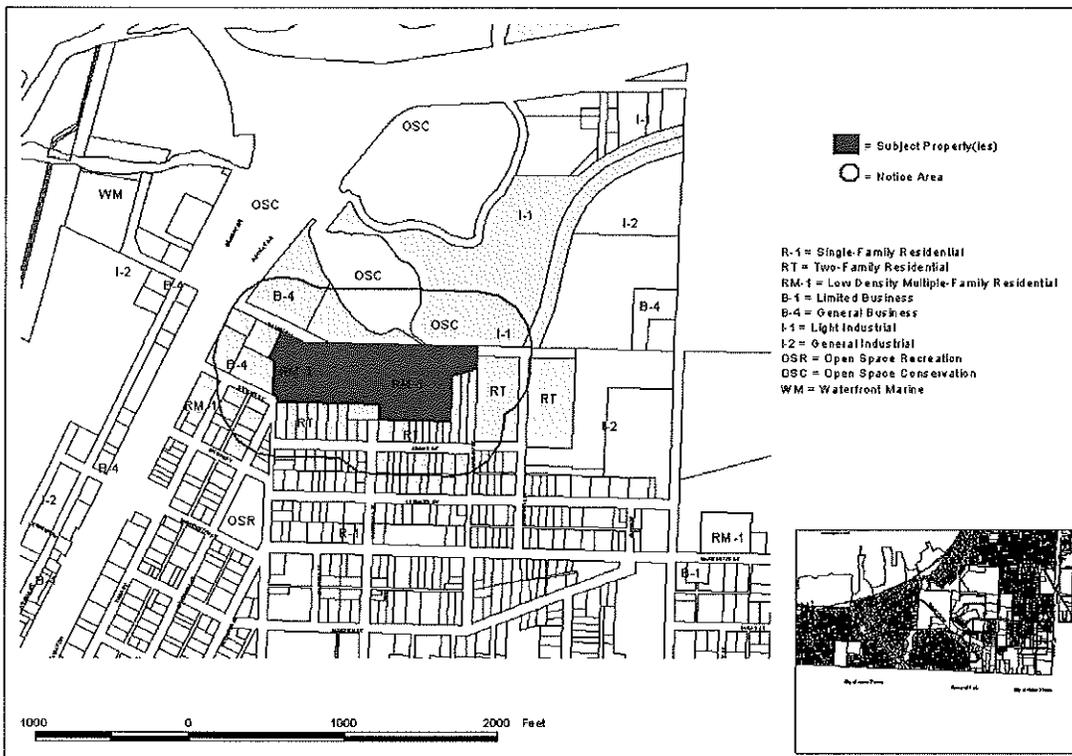
Zoning: RM-1, Low Density Multiple-Family Residential

STAFF OBSERVATIONS

1. This parcel (which was originally two) has been rezoned several times in the past. From our files we have determined that as of February 1999 the zoning was B-4, General Business, and RT, Two-Family Residential.
2. Attempts were made in 1999 to rezone it to both I-2, General Industrial, and I-1, Light Industrial. Both requests were denied by the City Commission.
3. In 2002 it was rezoned to RM-1, Low Density Multiple-Family Residential at the request of Sterling Development, who planned to purchase the property and build multi-family housing.
4. Located just to the south, up the hill from the property is the area of Jackson Hill Neighborhood, which is zoned RT, Two-Family Residential. To the north and west there is an area of B-4, General Business zoning and to the north is an area of OSC, Open Space Conservation zoning. The northeast tip of the property is adjacent to an I-1, Light Industrial zoning area.
5. The applicant would like to sell the property for use as storage for sand, gravel, and heavy equipment, as well as a crushing operation.
6. Presently, the property maintains legal non-conforming status for all of the above uses, with the exception of the crushing operation. The only crushing activity that has taken place on the site in the last several years was associated with a public works project, that being the replacement of Muskegon County's 66" force main back in 2001.



**City of Muskegon
 Planning Commission
 Case # 2005-18**



RECOMMENDATION

The Master Plan's Future Land Use Map shows the area where this site is located to be "open space". Obviously, there has been interest in developing housing for this area in the past, and allowing an intense I-2 zoning for this area would be detrimental to the Jackson Hill Neighborhood.

Staff recommends denial of the request to rezone the subject property from RM-1 to I-2 because the request does not conform to the goals and recommendations of the 1997 Master Plan.

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 motion is offered for consideration:

I move that the request to rezone the property located 190 Wood Street from RM-1, Low Density Multiple-Family Residential district to I-2, General Industrial 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
CITY COMMISSION MEETING DATED June 28, 2005

Date: June 21, 2005
To: Honorable Mayor and City Commissioners
From: Lee Slaughter, Asst. City Manager
RE: Request to Allow Two Alcohol Licenses on July 15, 2005, within the City of Muskegon; (Great Lakes Marina / Muskegon Sport-fishing Association).

SUMMARY OF REQUEST:

To allow two liquor licenses within the City on Friday, July 15, 2005. Party-In-The-Park has an approved Liquor license for that same day. Great Lakes Marina / Muskegon Sport-fishing Association would also like to have a Liquor License for that day. The current Special Events policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve.

Commission Meeting Date: June 28, 2005

Date: June 21, 2005
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Approval of Contractor for Construction of House
at 747 Marcoux. W.G.

SUMMARY OF REQUEST: To approve the contract with Bantam Group 962 Stonewood Drive Spring Lake, Mi. 49456 for the construction of the new home to be located at 747 Marcoux for the cost of \$118,821. The site at 747 Marcoux formerly was occupied by a Turnkey 3 home that was demolished. After the construction is completed, the new home will be sold to a qualified first-time homebuyer continuing the City's aggressive neighborhood revitalization efforts under the Operation "At Long Last" AKA Ridge Top View

The City received three other bids:

Urban Development Corporation 109 E. Laketon Muskegon, MI
\$121,700

Fisher Builders 4153 W. Giles North Muskegon, Mi. \$125,919

Top Notch Design 4753 Jensen Fruitport, Michigan \$135,850

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the CNS office to develop a contract with Bantam Group and direct the Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None needed.

Date: June 28, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: City – MDOT Agreement for:
Southern Ave, Seaway to Sixth St.**

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the reconstruction of Southern Ave. from Seaway Dr. to Sixth Street Ave. and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

MDOT's participation is estimated at \$350,795 but not to exceed 81.85% of eligible cost. The estimated total construction cost (without engineering) of the project, including the non-participating items of watermain & sanitary sewer, is \$648,700.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street and water/sewer funds as was budgeted.

STAFF RECOMMENDATION:

Approve the attached agreement and resolution.

COMMITTEE RECOMMENDATION:

RESOLUTION 2005-57(j)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION OF SOUTHERN AVE. FROM SEAWAY DR. (US-31BR.) TO SIXTH STREET ALONG WITH SOME WATER MAIN AND SANITARY SEWER WORK TOGETHER WITH THE OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Gawron and supported by Commissioner Shepherd that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **05-5224** between the Michigan Department of Transportation and the City of Muskegon for the **reconstruction of Southern Ave. from Seaway Dr. to Sixth Street** within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **05-5224** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 28th day of June, 2005.

BY Bill Larson
Bill Larson, Vice Mayor

ATTEST Gail A. Kundergei
Gail A. Kundergei, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on June 28, 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. Kundergei
Gail A. Kundergei, Clerk



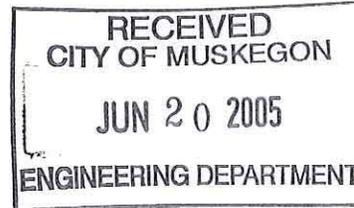
JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

June 8, 2005

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



Dear Ms. Kunding:

RE: MDOT Contract No.: 05-5224
Control Section: STUL 61407
Job Number: 45487

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

 PLEASE DO NOT DATE THE CONTRACTS. MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.

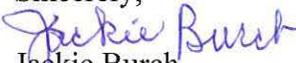
 Secure the necessary signatures on all contracts.

 Include a certified resolution. The resolution should specifically name the officials who are authorized to sign the contracts.

 Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.

In order to ensure that the work and payment for this project is not delayed, the agreement needs to be returned within 35 days from the date of this letter.

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

July 18, 2005

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

Dear Ms. Kunding:

RE: MDOT Contract Number: 05-5224
Control Section: STUL 61407
Job Number: 45487

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

Sincerely,

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

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

Cc: M. Harbison, Design Support Area
Project Accounting, Financial Operations Division
Grand Region Engineer

STP

DIR

Control Section	STUL 61407
Job Number	45487
Project	STP 0561 (021)
Federal Item No.	HH 4292
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	05-5224

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of JUL 18 2005, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated May 17, 2005, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Reconstruction work along Southern Avenue from Seaway Drive (Highway US-31 Business Route) to Sixth Street; including pavement removal, storm sewer, drainage structure adjustment, sidewalk repair, and hot mix asphalt paving work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Sanitary sewer, watermain, water services, and sidewalk construction work along Southern Avenue from Seaway Drive (Highway US-31 Business Route) to Sixth Street; and all together with necessary related work.

WITNESSETH:

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

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

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

SURFACE TRANSPORTATION PROGRAM

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

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

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

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

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

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

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

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

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

- C. Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

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

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

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 81.85 percent up to an amount not to exceed \$350,795. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

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

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

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

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

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

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

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(I); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

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

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

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

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

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

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

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

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

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

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

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

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

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

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

CITY OF MUSKEGON

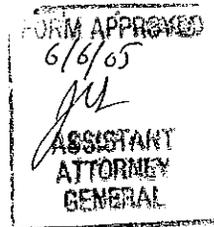
By Bill Larson
Title: Bill Larson, Vice Mayor

By Gail A. Kunding
Title: Gail A. Kunding
City Clerk

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By [Signature]
Department Director MDOT

[Signature]



May 17, 2005

EXHIBIT I

CONTROL SECTION STUL 61407
JOB NUMBER 45487
PROJECT STP 0561 (021)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$477,100	\$171,600	\$648,700

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$477,100	\$171,600	\$648,700
Less Federal Funds*	<u>\$350,795</u>	<u>\$ -0-</u>	<u>\$350,795</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$126,305	\$171,600	\$297,905

*Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at a participation ratio equal to 81.85 percent up to an amount not to exceed \$350,795.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.

- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments--Allowable Costs

 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement
 - g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

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

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

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

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

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

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

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

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

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

SECTION III

ACCOUNTING AND BILLING

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

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

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

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

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

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

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

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

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

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

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

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

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

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

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

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

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

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

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

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

billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

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

B. Payment of Contracted and DEPARTMENT Costs:

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

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

C. General Conditions:

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

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

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

1. All Projects:

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

2. Projects Financed in Part with Federal Monies:

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

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

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

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

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

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

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

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

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

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

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

March, 1998

APPENDIX B

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

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

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

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

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

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

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

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

Date: 06/28/05
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase one 580M backhoe from West Michigan Power.

FINANCIAL IMPACT: Cost \$59,000 less \$26,500 for the sale of our old unit.
Total cost of \$32,500

BUDGET ACTION REQUIRED: None. There is \$65,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 580M backhoe from West Michigan Power.

AGENDA ITEM
CITY COMMISSION MEETING DATED June 28, 2005

Date: June 21, 2005
To: Honorable Mayor and City Commissioners
From: Lee Slaughter, Asst. City Manager
RE: Request to Allow Two Alcohol Licenses on July 29, 2005, within the City of Muskegon; (Big Fat Greek Festival / Muskegon Community Health Project) .

SUMMARY OF REQUEST:

To allow two liquor licenses within the City on Friday, July 29, 2005. Party-In-The-Park has an approved Liquor license for that same day. Big Fat Greek Festival / Muskegon Community Health Project would also like to have a Liquor License for that day. The current Special Events policy does not allow two alcohol licenses on any night within the City.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve.

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: June 28, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Pine St., Laketon Ave. to Dale Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$11,255.79 would be spread against the thirty-two (32) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-59(a)

Resolution Confirming Special Assessment Roll

For Pine St. from Laketon Ave. to Dale Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 8, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Pine St., Laketon Ave. to Dale Ave.

Continued...

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

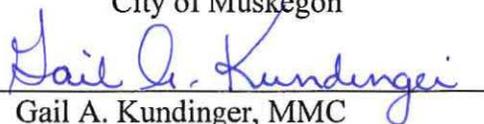
This resolution passed.

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

Nays: None

City of Muskegon

By



Gail A. Kunding, MMC
City Clerk

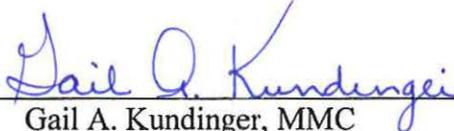
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **June 28, 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **June 28, 2005**.

City of Muskegon

By



Gail A. Kunding, MMC
City Clerk

EXHIBIT A

Pine Street , Laketon to Dale

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Pine Street , Laketon to Dale

June 17, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

Property Parcel Number: 24-205-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

PINE ST., LAKETON AVE. TO DALE AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JUNE 28, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JUNE 28, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$45,000.00 of which \$11,255.79 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$370.5 based on 50 feet assessable front footage at \$7.41 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$370.5 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$ 37.05 PER YEAR
Due Date: August 29th, 2005

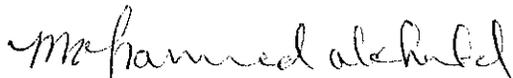
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

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

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

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in cursive script that reads "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
PINE ST., LAKETON AVE. TO DALE AVE. – H-1601
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
PINE ST., LAKETON AVE. TO DALE 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.

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

SPECIAL ASSESSMENT DISTRICTS:

**DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.
PINE ST., LAKETON AVE. TO DALE AVE.**

The location 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.
All parcels abutting Pine St. from Laketon Ave. to Dale Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **June 28, 2005 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JUNE 18, 2005**

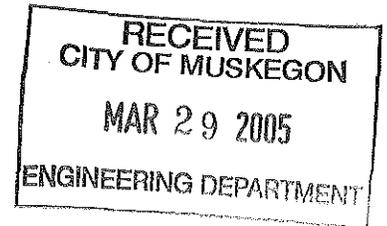
ADA POLICY

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

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

CITY OF MUSKEGON

Resolution No.2005-25(c)



Resolution At First Hearing Creating Special Assessment District
For Pine Street , Laketon to Dale
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 8, 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 **March 8, 2005**, there were 24.03% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Warmington and Spataro 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 **53.17%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

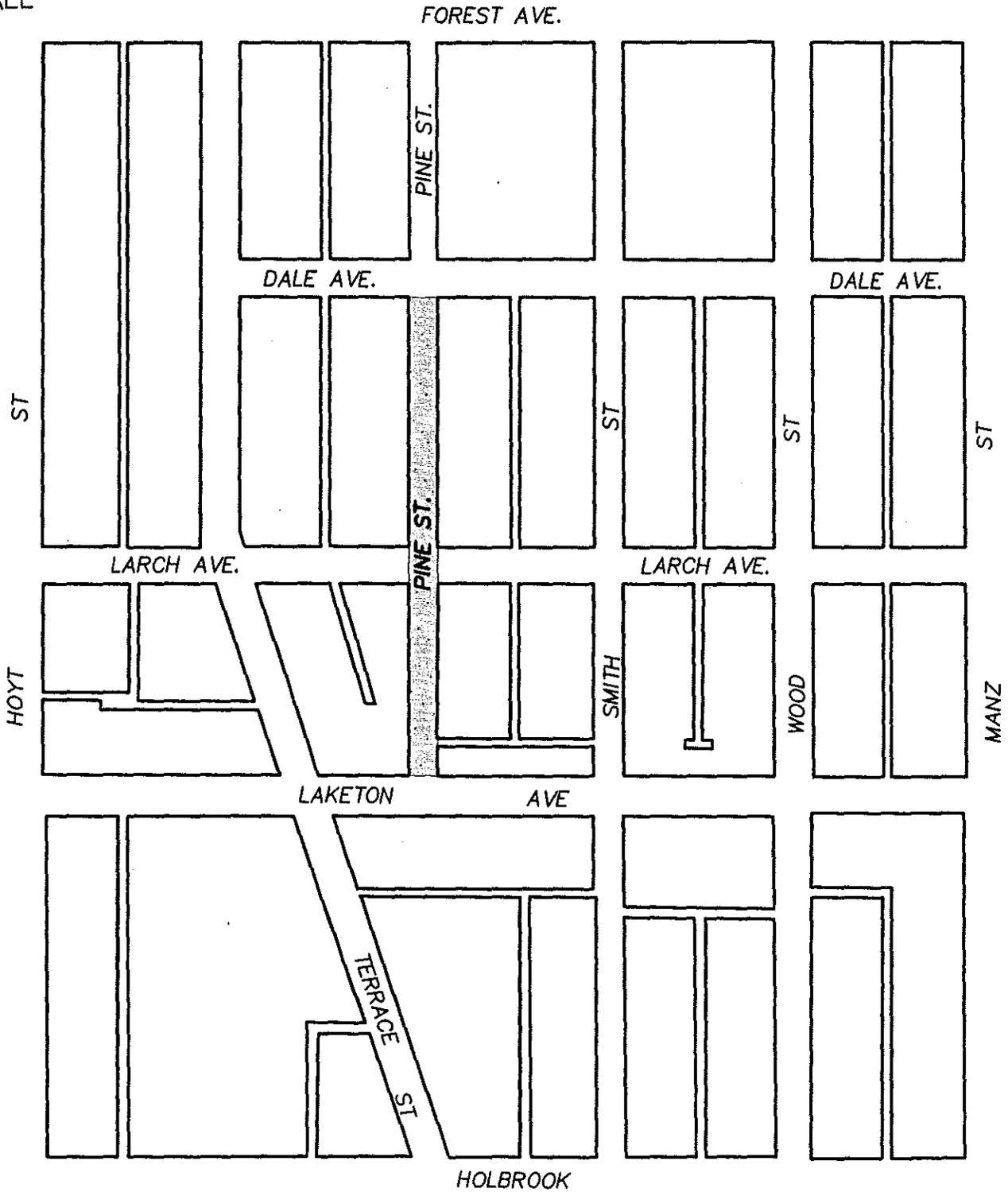
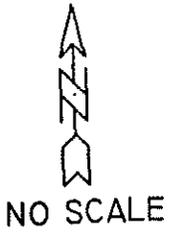
ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 8, 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" SPECIAL ASSESSMENT DISTRICT



PINE ST., LAKETON AVE. TO DALE AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	DR APP		PAVING	/ SW	TOTAL
24-205-306-0010-0	300.0	LAKETON AVE	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$370.50	\$0.00	\$370.50		\$370.50
24-205-306-0005-0	1788.0	TERRACE ST	ROUWHORST INVEST 1788 TERRACE ST MUSKEGON MI 49442	\$666.90	\$0.00	\$666.90		\$666.90
24-205-306-0013-0	1773.0	PINE ST	RYKE HENRY C TRUS 1611 WESTWIND CT MUSKEGON MI 49445	\$333.45	\$0.00	\$333.45		\$333.45
24-205-306-0014-0	1767.0	PINE ST	CHASE MANHATTAN 3415 VISION DR COLUMBUS OH 43219-6	\$222.30	\$0.00	\$222.30		\$222.30
24-205-306-0015-0	1759.0	PINE ST	RYKE HENRY C TRUS 1611 WESTWIND CT MUSKEGON MI 49445	\$444.60	\$0.00	\$444.60		\$444.60
24-205-306-0017-0	289.0	LARCH AVE	SACRED SUDS PO BOX 4115 MUSKEGON MI 49444-4	\$407.55	\$0.00	\$407.55		\$407.55
24-205-298-0015-1	1731.0	PINE ST	VELAZQUEZ AUGUSTI 1983 FRANCIS AVE MUSKEGON MI 49441-3	\$592.80	\$0.00	\$592.80		\$592.80
24-205-298-0018-0	1721.0	PINE ST	CONTIMORTGAGE CO PO BOX 900 STE 32 HATBORO PA 19040-0	\$296.40	\$0.00	\$296.40		\$296.40
24-205-298-0019-0	1715.0	PINE ST	BAKER KELLY K 1715 PINE ST MUSKEGON MI 49442	\$277.88	\$0.00	\$277.88		\$277.88
24-205-298-0020-0	1709.0	PINE ST	U S BANK NATIONAL A 3476 STATE VIEW BL FORT MILL SC 29715-7	\$277.88	\$0.00	\$277.88		\$277.88
24-205-298-0022-0	1705.0	PINE ST	WESTERMAN WILLIAM 1705 PINE ST MUSKEGON MI 49442	\$277.88	\$0.00	\$277.88		\$277.88
24-205-298-0023-0	1699.0	PINE ST	HOFFMAN SHIRLEY L 1699 PINE ST MUSKEGON MI 49442	\$277.88	\$0.00	\$277.88		\$277.88
24-205-298-0024-0	1691.0	PINE ST	SEAWAY DEVELOPME 4265 GRAND HAVEN MUSKEGON MI 49441	\$444.60	\$0.00	\$444.60		\$444.60
24-205-298-0026-0	1683.0	PINE ST	CRAIN GARY M/MARY 1423 MARCOUX MUSKEGON MI 49442	\$444.60	\$0.00	\$444.60		\$444.60
24-205-298-0028-0	1675.0	PINE ST	CRAIN GARY M/MARY 1423 MARCOUX MUSKEGON MI 49442	\$351.98	\$0.00	\$351.98		\$351.98
24-205-307-0010-1	350.0	LAKETON AVE	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$370.50	\$0.00	\$370.50		\$370.50
24-205-307-0009-0	1786.0	PINE ST	ROUWHORST INVEST 1788 TERRACE ST MUSKEGON MI 49442	\$278.62	\$0.00	\$278.62		\$278.62
24-205-307-0007-0	1778.0	PINE ST	ZAVITZ ROBERT C/JA 1778 PINE ST MUSKEGON MI 49442	\$326.04	\$0.00	\$326.04		\$326.04

PINE ST., LAKETON AVE. TO DALE AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP		TOTAL
					/ SW		
24-205-307-0006-0	1772.0	PINE ST	KOEMAN JANICE F 5180 CHICAGO DR HUDSONVILLE MI 49426	\$250.46	\$0.00		\$250.46
24-205-307-0005-0	1768.0	PINE ST	ARELLANO ADAN/MAR 1768 PINE ST MUSKEGON MI 49442	\$256.39	\$0.00		\$256.39
24-205-307-0003-0	1766.0	PINE ST	MCALLISTER BIRDIE 199 W MAPLEWOOD MUSKEGON MI 49444-0	\$444.60	\$0.00		\$444.60
24-205-307-0001-0	1750.0	PINE ST	WOODS TERESA R 1750 PINE ST MUSKEGON MI 49442-5	\$407.55	\$0.00		\$407.55
24-205-297-0013-0	320.0	LARCH AVE	JONES BOBBIE 320 E LARCH AVE MUSKEGON MI 49442	\$444.60	\$0.00		\$444.60
24-205-297-0011-0	1726.0	PINE ST	STILLE ALLEN 1957 VALLEY ST MUSKEGON MI 49442	\$444.60	\$0.00		\$444.60
24-205-297-0010-0	1716.0	PINE ST	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$222.30	\$0.00		\$222.30
24-205-297-0009-0	1712.0	PINE ST	CONTIMORTGAGE CO PO BOX 65250 SALT LAKE CIT UT 84165	\$222.30	\$0.00		\$222.30
24-205-297-0008-0	1708.0	PINE ST	BAUER JAMES R 1396 PINE ST MUSKEGON MI 49442	\$222.30	\$0.00		\$222.30
24-205-297-0007-0	1702.0	PINE ST	PEREZ MICHELLE M 1702 PINE ST MUSKEGON MI 49442	\$326.04	\$0.00		\$326.04
24-205-297-0005-0	1694.0	PINE ST	THE HUNTINGTON NA 2361 MORSE RD NC2 COLUMBUS OH 43229-5	\$340.86	\$0.00		\$340.86
24-205-297-0004-0	1690.0	PINE ST	MCCOWAN LINDA FLO 155 W BROADWAY AV MUSKEGON MI 49444	\$355.68	\$0.00		\$355.68
24-205-297-0002-0	1682.0	PINE ST	GORDON EUGENE 1682 PINE ST MUSKEGON MI 49442	\$311.22	\$0.00		\$311.22
24-205-297-0001-0	1676.0	PINE ST	LAKETOWN INVESTM 1207 MICHIGAN DR N DUNEDIN FL 34698	\$344.57	\$0.00		\$344.57

H 1601

HEARING DATE JUNE 28, 2005

PINE ST., LAKETON AVE. TO DALE AVE.

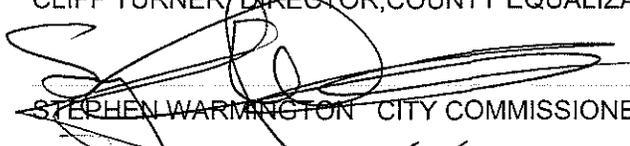
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	DR APP		TOTAL
				PAVING	/ SW	
TOTALS				\$11,255.79	\$0.00	<u>\$11,255.79</u>

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

BOARD OF ASSESSORS

 07/01/05
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 7-11-05
 STEPHEN WARMINGTON, CITY COMMISSIONER DATE

 7-1-05
 LAWRENCE SPATARO, CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: June 28, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Evert St., Allen Ave. to Amity Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$8,472.45 would be spread against the four- (4) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-59(b)

Resolution Confirming Special Assessment Roll

For Evart St. from Allen Ave. to Amity Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 11, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Evart St., Allen Ave. to Amity Ave.

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **June 28, 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **June 28, 2005**.

City of Muskegon

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

EXHIBIT A

Evert St., Allen to Amity

SPECIAL ASSESSMENT DISTRICT

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

EVART ST., ALLEN AVE. TO AMITY AVE.

VICE MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY Bill Larson
BILL LARSON, VICE MAYOR

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 17TH DAY OF JUNE 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
1st DAY OF July, 2005.

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

June 17, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

EVART ST., ALLEN AVE. TO AMITY AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JUNE 28, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JUNE 28, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$46,000.00 of which \$ 8,472.45 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1984 based on 62 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$241.3 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2225.3 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment:\$ 222.53 PER YEAR
Due Date: August 29th, 2005

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

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

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

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in cursive script that reads "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
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.

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

SPECIAL ASSESSMENT DISTRICTS:

**DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.
PINE ST., LAKETON AVE. TO DALE AVE.**

The location 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.
All parcels abutting Pine St. from Laketon Ave. to Dale Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **June 28, 2005 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JUNE 18, 2005**

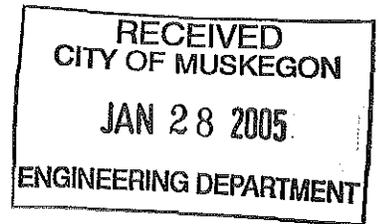
ADA POLICY

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

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

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

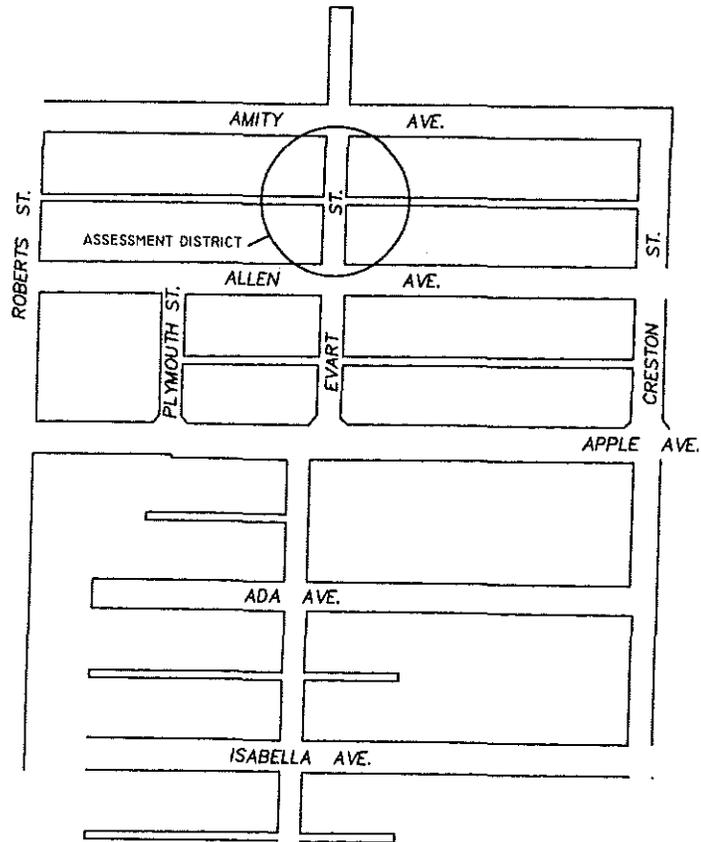
EXHIBIT A

Evert St., Allen to Amity

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Evert 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. KUNDINGER, CITY CLERK

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



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

EVART ST., ALLEN AVE. TO AMITY AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-850-002-0012-0	1291.0	AMITY AVE	COOPER ELI	5967 AIRLINE RD	FRUITPORT	MI 49415	\$1,984.00	\$241.30	\$2,225.30
24-850-002-0001-0	941.0	EVART ST	MORRIS CLARA P	941 EVART ST	MUSKEGON	MI 49442	\$1,984.00	\$142.24	\$2,126.24
24-785-000-0029-0	912.0	EVART ST	PUTNEY ROYCE H	912 EVART ST	MUSKEGON	MI 49442	\$1,984.00	\$152.91	\$2,136.91
24-785-000-0027-0	1316.0	ALLEN AVE	ODNEAL ROBERT	1316 ALLEN AVE	MUSKEGON	MI 49442	\$1,984.00	\$0.00	\$1,984.00
TOTALS							\$7,936.00	\$536.45	\$8,472.45

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

BOARD OF ASSESSORS

Cliff Turner 07/01/05
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

Clara Shepherd 07-01-05
 CLARA SHEPHERD CITY COMMISSIONER DATE

Chris Carter 7/01/05
 CHRIS CARTER CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: June 28, 2005
RE: Public Hearing
Spreading of the Special Assessment Roll
Dale Ave., McGraft St. to Ruddiman St.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$16,252.22 would be spread against the nine- (9) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-59(c)

Resolution Confirming Special Assessment Roll

For Dale Ave. from McGraft St. to Ruddiman St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 11, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Dale Ave., McGraft St. to Ruddiman St.

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **June 28, 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **June 28, 2005**.

City of Muskegon

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

EXHIBIT A

Dale Ave., McGraft to Ruddiman

SPECIAL ASSESSMENT DISTRICT

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

DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.

VICE MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY Bill Larson
BILL LARSON, VICE MAYOR

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Dale Ave., McGraft St. to Ruddiman 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 17TH DAY OF JUNE 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF July, 2005.

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

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

SPECIAL ASSESSMENT DISTRICTS:

**DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.
PINE ST., LAKETON AVE. TO DALE AVE.**

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

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **June 28, 2005 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JUNE 18, 2005**

ADA POLICY

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

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

Acct# 643-60447-5267

June 17, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

Property Parcel Number: 24-205-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JUNE 28, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JUNE 28, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$65,000.00 of which \$16,252.22 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1344.2 based on 44 feet assessable front footage at \$30.55 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1344.2 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment:\$ 134.42 PER YEAR
Due Date: August 29th, 2005

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

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

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

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
DALE AVE., MCGRAFT 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:** _____
 _____ **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.

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

SPECIAL ASSESSMENT DISTRICTS:

**DALE AVE., MCGRAFT ST. TO RUDDIMAN ST.
EVART ST., ALLEN AVE. TO AMITY AVE.
PINE ST., LAKETON AVE. TO DALE AVE.**

The location 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.
All parcels abutting Pine St. from Laketon Ave. to Dale Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **June 28, 2005 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JUNE 18, 2005**

ADA POLICY

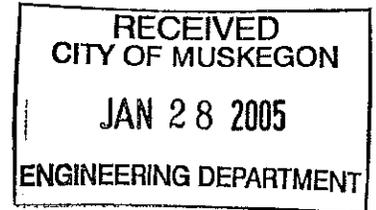
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

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

Acct# 643-60447-5267

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. 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

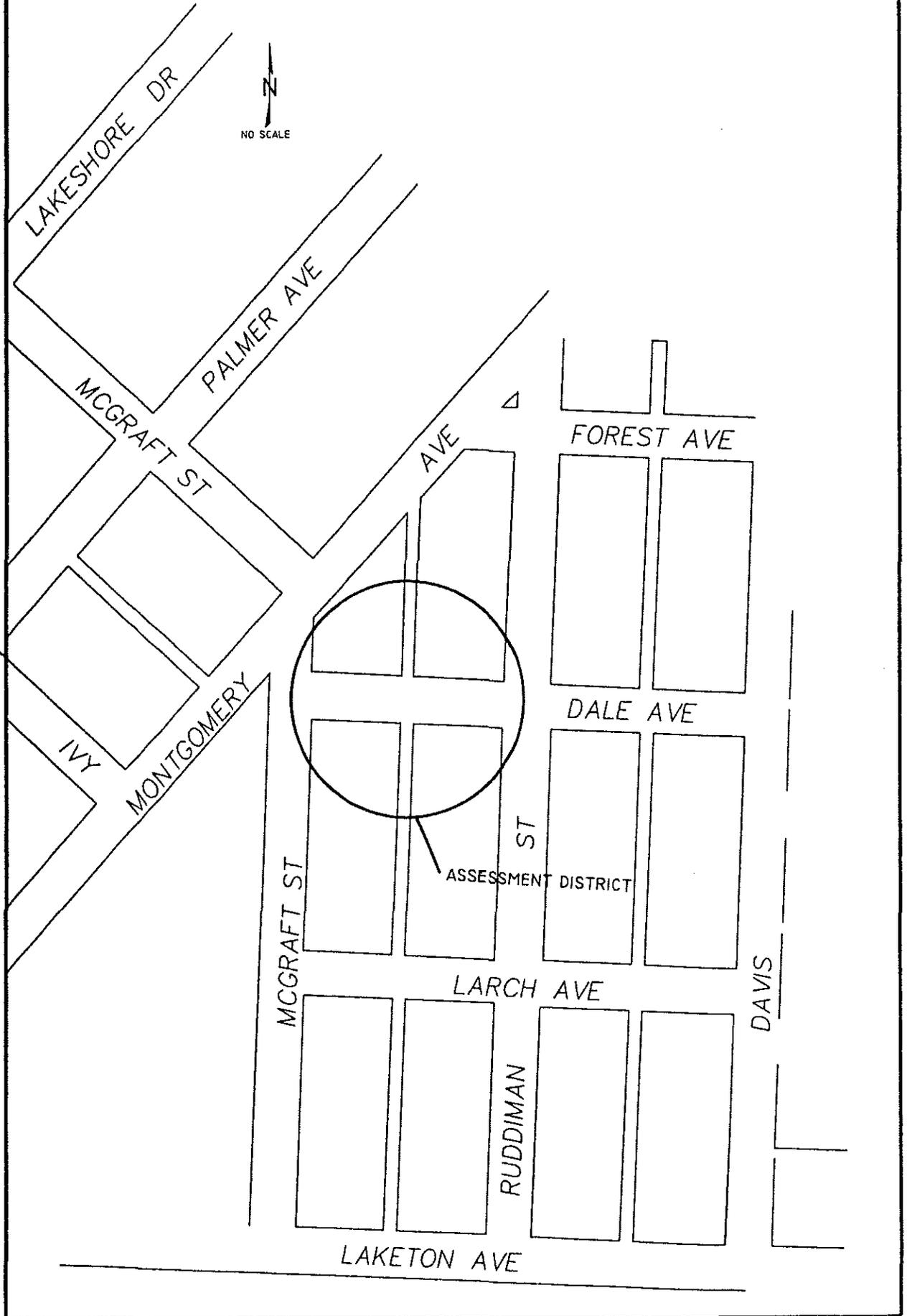
EXHIBIT A

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"



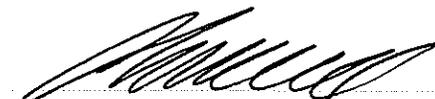
DALE AVE.,McGRAFT ST. TO RUDDIMAN ST.

SPECIAL ASSESSMENT ROLL

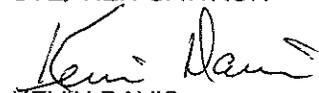
PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-499-0008-0	1296.0	DALE AVE	WARDIE CAMERON B 1296 W DALE AVE MUSKEGON MI 49441-2	\$1,344.20	\$0.00	\$1,344.20
24-205-499-0008-1	1290.0	DALE AVE	MCGINLEY WILLIAM G/ 1290 W DALE AVE MUSKEGON MI 49441	\$1,344.20	\$617.78	\$1,961.98
24-205-499-0008-2	1284.0	DALE AVE	STARK FREDRICK E/E 1284 W DALE AVE MUSKEGON MI 49441	\$1,344.20	\$0.00	\$1,344.20
24-205-499-0001-0	1669.0	RUDDIMAN ST	LIDKE TRENT 1573 JEFFERSON ST MUSKEGON MI 49441	\$2,016.30	\$624.44	\$2,640.74
24-205-511-0006-1	1692.0	MCGRAFT ST	NEUMAN TODD/SPIER 1692 MCGRAFT MUSKEGON MI 49441	\$1,252.55	1,588.66	\$2,841.21
24-205-511-0006-0	1283.0	DALE AVE	CRITCHETT JERRY W 1164 WILLSHIRE DR MUSKEGON MI 49445	\$1,527.50	\$0.00	\$1,527.50
24-205-511-0005-2	1273.0	DALE AVE	SANDER MARK 1273 W DALE AVE MUSKEGON MI 49441	\$1,252.55	\$0.00	\$1,252.55
24-205-511-0005-1	1267.0	DALE AVE	KLEINER EDWARD H 1267 W DALE AVE MUSKEGON MI 49441	\$1,252.55	\$559.79	\$1,812.34
24-205-511-0005-0	1261.0	DALE AVE	HUTCHINS WILLIAM J/ 262 MAPLE CT MUSKEGON MI 49445	\$1,527.50	\$0.00	\$1,527.50
TOTALS				\$12,861.55	\$3,390.67	\$16,252.22

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

BOARD OF ASSESSORS


 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE *6/30/05*


 STEPHEN GAWRON CITY COMMISSIONER DATE *6-30-05*


 KEVIN DAVIS CITY COMMISSIONER DATE *29 July 05*

Commission Meeting Date: June 28, 2005

Date: June 17, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
**RE: Request for amendment to Planned Unit Development for
100 Muskegon Mall.**

SUMMARY OF REQUEST:

Request to amend the Planned Unit Development for 100 Muskegon Mall (the former Muskegon Mall property), to revise the street design.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request, with the conditions outlined in the resolution.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 6/28 meeting. The vote was unanimous, with B. Mazade and S. Warmington absent.

CITY OF MUSKEGON

RESOLUTION #2005-60(a)

RESOLUTION FOR AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR
100 MUSKEGON MALL

WHEREAS, a petition for a planned unit development amendment was received from Chris McGuigan, Downtown Muskegon Development Corporation; and

WHEREAS, a planned unit development amendment will allow revisions in the street design of the PUD for 100 Muskegon Mall (former Muskegon Mall Property); and

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

WHEREAS, the Planning Commission has recommended approval of the Planned Unit Development amendment with conditions as follows:

1. All requirements of the approval of the final PUD remain in place.

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

Adopted this 28th day of June, 2005.

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

Nays: None

Absent: None

By: Bill Larson
Bill Larson, Vice Mayor

Attest: Gail A. Kundergei
Gail A. Kundergei, MMC
City Clerk

CERTIFICATE (100 Muskegon Mall PUD Amendment)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of June, 2005, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 28, 2005.



Gail A. Kunding, MMC
Clerk, City of Muskegon

Downtown Muskegon Development Corporation
Amendment #1 PUD Approval Submittal
May 26, 2005

General Explanation of Submittal

This application is submitted in accordance with the requirements of Sections 2101 and 2332 of the City of Muskegon Zoning Ordinance. Final approval of the PUD was granted on February 22, 2005 by the City Commission and the applicant is now seeking approval of Amendment #1 to accommodate the revised street layout as designed by the City's consulting engineers, Fleis & Vandenbrink.

The accompanying drawings show the location of the revised streets, sidewalks, parking areas and service drives. The primary difference between the revised street pattern and the approved PUD is as follows:

1. The traffic circles at the intersection of Western Avenue and First Street and Jefferson and Market Streets have been eliminated. This was done on the advice of the engineers as proper turning radii were not possible due to the existing buildings and MDOT requirements for proper street design.
2. Removal of these traffic circles reduced the stunning impact of the new streets therefore the engineers redesign Western Avenue to be a boulevard. A traffic circle is proposed at the intersection of Western Avenue and Third Street. Planners and engineers agree that this proposal restores an impressive rebuild alternative to Western Avenue.
3. The other change is in the configuration of Jefferson Street. The engineers felt that the intersections of Jefferson with Morris, Terrace and Morris and Terrace and Market were in too close a proximity to each other. Therefore it is proposed that Jefferson flow into Market and then to Terrace. This allows Market to remain a part of the site and a part of Muskegon's history.

No other amendments are proposed at this time.

RECEIVED

MAY 26 2005

CITY OF MUSKEGON
PLANNING DEPARTMENT

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 16, 2005

Hearing; Case 2005-21: Request to amend the Final PUD on the property located at the former Muskegon Mall (100 Muskegon Mall) by Chris McGuigan.

BACKGROUND

Applicant: Chris McGuigan, Downtown Muskegon Development Corporation

Property Address/Location: 100 Muskegon Mall

Request: Amendment to the Final PUD

Present Land Use: Commercial PUD

Zoning: B-3, PUD

STAFF OBSERVATIONS

1. The subject property is the site of the former Muskegon Mall, encompassing approximately eight blocks downtown.
2. The final PUD was approved by both the Planning Commission and City Commission in February 2005.
3. The applicant seeks approval for the first amendment, of which others are sure to follow as the site is further developed.
4. This amendment is for a revised street layout, which includes the elimination of the traffic circles at the intersections of Western Avenue and First Street and also Jefferson and Market Street.
5. The new design now shows a boulevard style street for Western Avenue and a traffic circle at the intersection of Western Avenue and third Street.
6. There is also a change to the configuration of Jefferson Street, as is described in the narrative to this request.
7. At the time of this staff report, no public comments have been received.



RECOMMENDATION

Staff recommends approval of Amendment #1 to the approved final PUD request based upon the above staff review of the "Amendments to an Approved Final PUD", requirements subject to the conditions offered below.

DELIBERATION

Standards for discretionary uses: (emphasis provided)

Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.

Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.

Adequate water and sewer infrastructure exists or will be constructed to service the activity.

The proposed site plan complies with section 2313 (4) of the ordinance and has:

- a. proper ingress and egress
- b. sufficient parking areas, streets, roads and alleys
- c. screening walls and/or fences
- d. adequate fire and police protection
- e. provisions for disposal of surface water run-off, sanitary sewage
- f. adequate traffic control and maintenance services
- g. preserves property values to related or adjoining properties.

MOTION FOR CONSIDERATION

I move that Amendment #1 to the approved final PUD and associated site plan for 100 Muskegon Mall (former Muskegon Mall site) be (approved/denied) pursuant to the determination of (compliance/lack of compliance) with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions (only if approved):

1. All requirements of the approval final PUD remain in place.

Commission Meeting Date: June 28, 2005

Date: June 21, 2005

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services

Department W.G.

RE: Approval of Contractor for Construction of three homes under Walton Street Renaissance AKA Hilltop View Phase II.

SUMMARY OF REQUEST: To approve the contract with Urban Development Construction Company 109 E. Laketon who submitted the lowest bid for the second phase of construction for three homes on Walton Street for the aggregate price \$322,600. The name of the project is Walton Street Renaissance AKA Hilltop View Phase II. The CNS department received three other bids.

Fisher Builders 4153 W. Giles Rd North Muskegon
\$341,584.32

Bantam Group 962 Stonewood Spring Lake \$355,347

Rich Construction P.O. Box 125 Fremont, MI. \$395,824.13

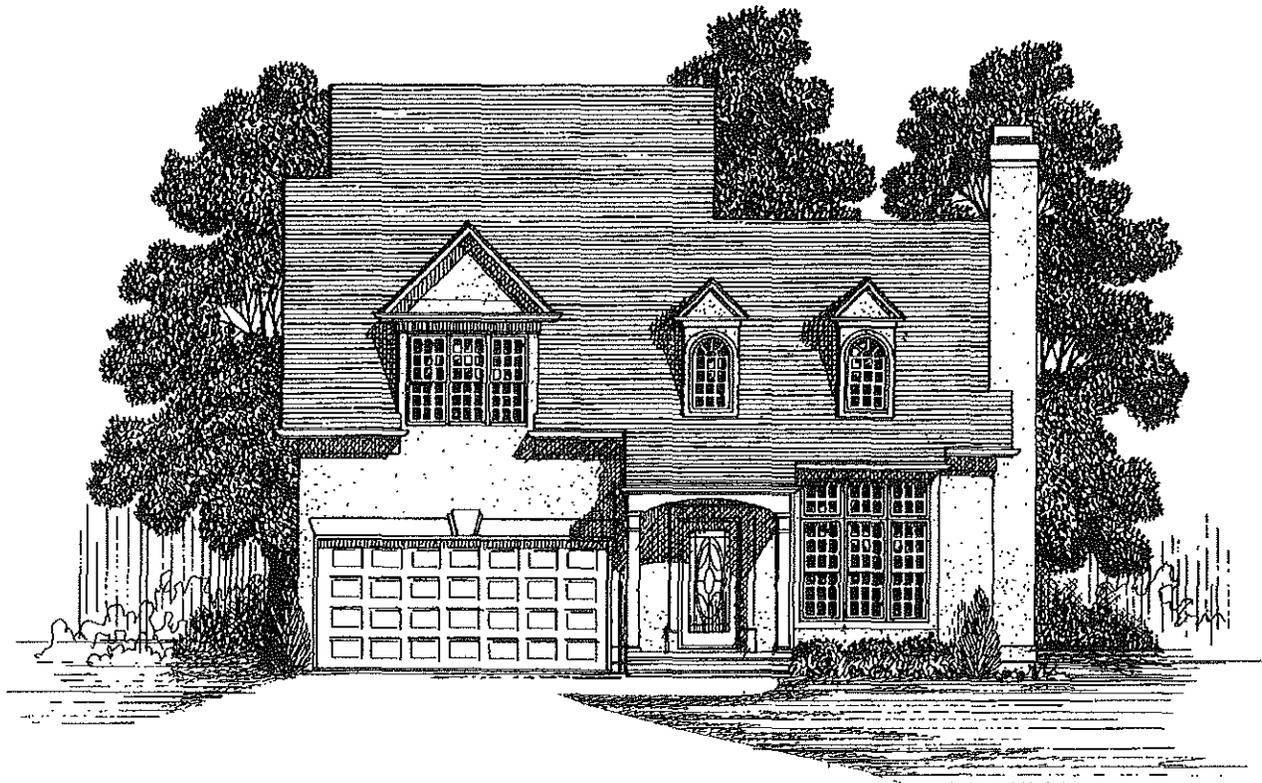
This project is a joint venture between The City of Muskegon Community and Neighborhood Services, Neighborhood Investment Corporation and Fifth Third Bank.

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2003-2004 HOME funds program income, Neighborhood Investment Corporation Funds and Funds allocated by Fifth Third Bank.

BUDGET ACTION REQUIRED: None

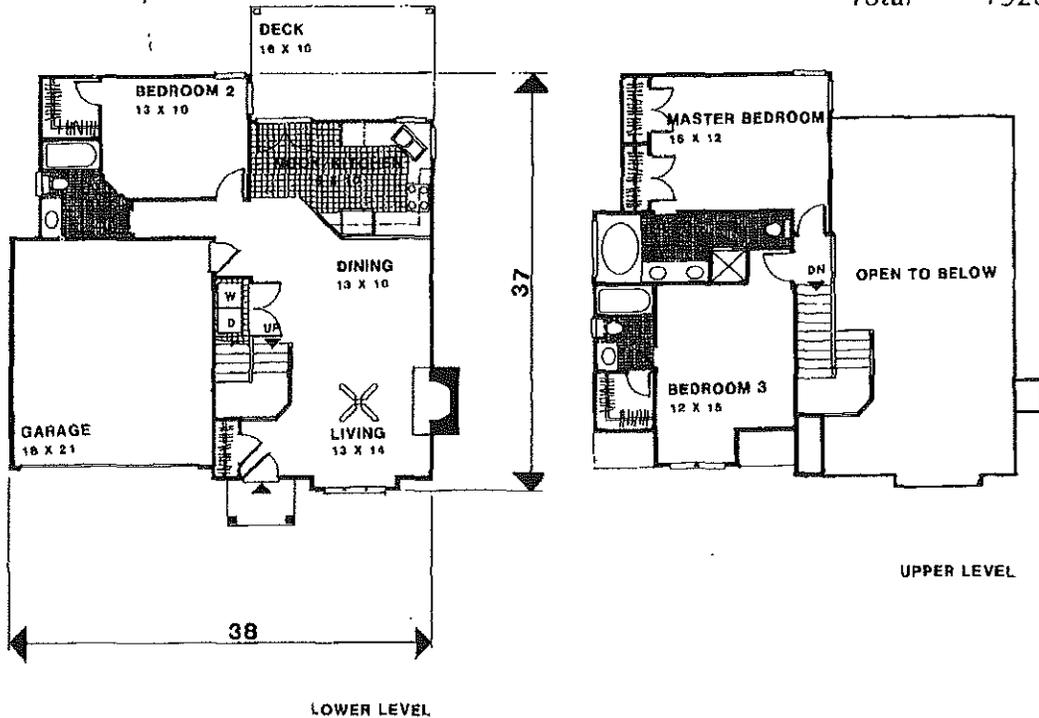
STAFF RECOMMENDATION: To approve for the CNS office to develop a contractor with the lowest bided contractor and director the Clerk and Mayor to sign the contract.

COMMITTEE RECOMMENDATION: None needed.



Plan Number 1504

Square Footage	Upper	883
	Lower	643
	Total	1526





LIVING
15/0X1

COOLhouseplans.com

Front Rendering

Plan ID: CHP-17804

Order Code: C149



LIVING
15/0X1

Call 1-800-482-0464

14 Savannah Highway, Suite. 15 - Beaufort, SC 29906

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Page 1 of 3



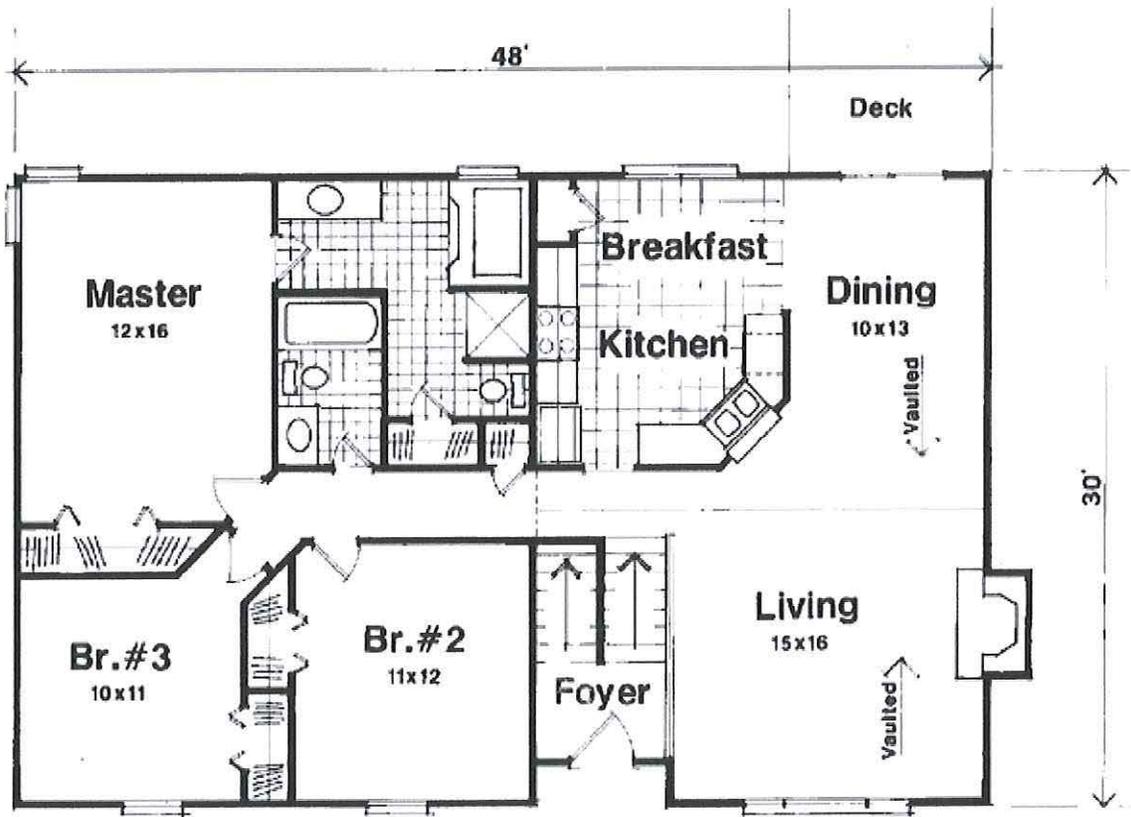
LIVING
15/0X11

COOLhouseplans.com

First Floor Plan

Plan ID: CHP-17804

Order Code: C149



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Page 2 of 3



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Front Rendering

Plan ID: CHP-18581

Order Code: C149



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Page 1 of 3



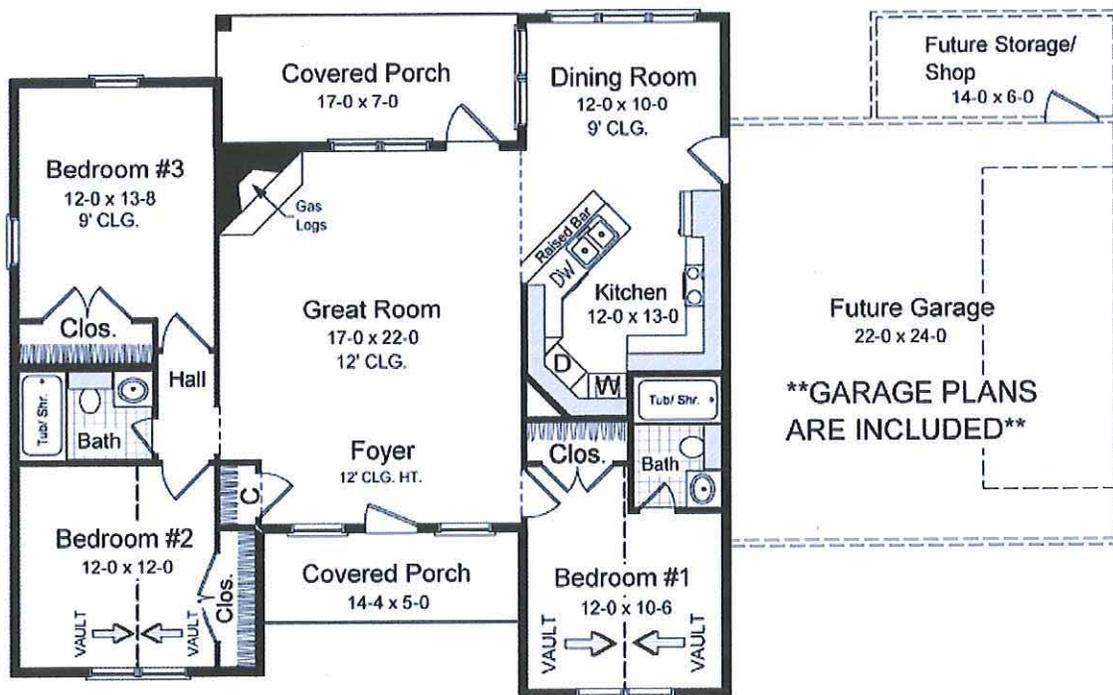
LIVING
15/0X1

COOLhouseplans.com

First Floor Plan

Plan ID: CHP-18581

Order Code: C149



LIVING
15/0X1

Call 1-800-482-0464

14 Savannah Highway, Suite. 15 - Beaufort, SC 29906

Commission Meeting Date: June 28, 2005

Date: June 21, 2005

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services

Department

W.G

RE: Resolution to Sell 284 Iona

SUMMARY OF REQUEST: To approve the attached resolution to sell the city owned house at 284 Iona to Mr. Donates M. Keenan, for the appraised value of \$114,500 minus the \$35,000 subsidy.

The site at 284 Iona was originally a former Turnkey 3 site that had created a blighting influence on the City for a number of years. The City of Muskegon purchased the eight sites from the Muskegon Housing Commission and demolished all the obsolescent structures.

The new home at 284 Iona was built by the City to replaced the demolished house as a part of the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The program income derived from the sale will be deposited in the City's HOME account

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and the sale of 284 Iona to Mr. Keenan and his family.

COMMITTEE RECOMMENDATION: None

MUSKEGON CITY COMMISSION

2005-60(c)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 284 Iona

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the new constructed home for \$114,500 which is located at 284 Iona to be used as a single family owner-occupied home by Donates Keenan and family with a subsidy of \$35,000 .

Adopted this 28th day of June, 2005

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

Nays: None

By Bill Larson
Bill Larson, Vice Mayor

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

CERTIFICATION
2005-60(c)

This resolution was adopted at a regular meeting of the City Commission, held on June 28, 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, MMC
City Clerk

DATE: June 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040064

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **336 Catawba- Area 11b** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040064 – 336 Catawba

Location and ownership: This structure is located on Catawba between Pine and Spring Streets and is owned by Scott/Trinh Dinh, 3959 Sante Fe Court, Grandville, MI 49418.

Staff Correspondence: A dangerous building inspection was conducted on 06/15/04. An interior inspection was conducted 07/01/04. The Notice and Order to Repair was issued on 06/17/04. On 09/02/04 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present to represent case at HBA meeting. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$16,400

Estimated cost to repair: \$45,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

336 Catawba

6/15/04

Inspection noted:

1. Building is unsecured.
2. Fascia partially missing on front of building.
3. Garage wall is partially rotted.
4. Soffit falling off garage.
5. Roof between shed and house is rotted.
6. Rear addition to house is partially rotted.
7. Rear roof and fascia is rotted and needs to be replaced.
8. Interior kitchen ceiling is falling down.
9. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
10. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ, BUILDING OFFICIAL

DATE

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

336 Catawba

(INTERIOR INSPECTION)

7/1/04

Inspection noted:

1. Dryer, laundry outlet, kitchen counters, 2nd floor and furnace disconnect to be wired to meet Michigan Residential Code 2003. Furnace disconnect must be accessible.
2. 3 wire outlets to be grounded.
3. Bathroom outlet to be GFI protected.
4. Rear door needs box at light outlet.
5. All painted outlets to be replaced.
6. Service to be replaced to meet Michigan Residential Code 2003.
7. Smoke detectors throughout – hardwire interconnected with battery back up to meet Michigan Residential Code 2003.
8. Miscellaneous covers and lights are missing – replace.
9. Complete plumbing system to be replaced.
10. Complete ductwork to be replaced.
11. Furnace needs to be certified safe & serviced.
12. Water heater must be replaced.
13. Chimney requires liner to be installed.
14. Remove front ramp and rebuild to meet Michigan Residential Code 2003.
15. Replace all damaged ceiling, wall and flooring – numerous damage.
16. All handrails and guardrails, stairs to meet Michigan Residential Code 2003.
17. Basement floor joists have been over cut, notched incorrectly. Not meeting proper spans.
18. Severe floor system failure, provide design to code or engineer design –requires registered engineer.

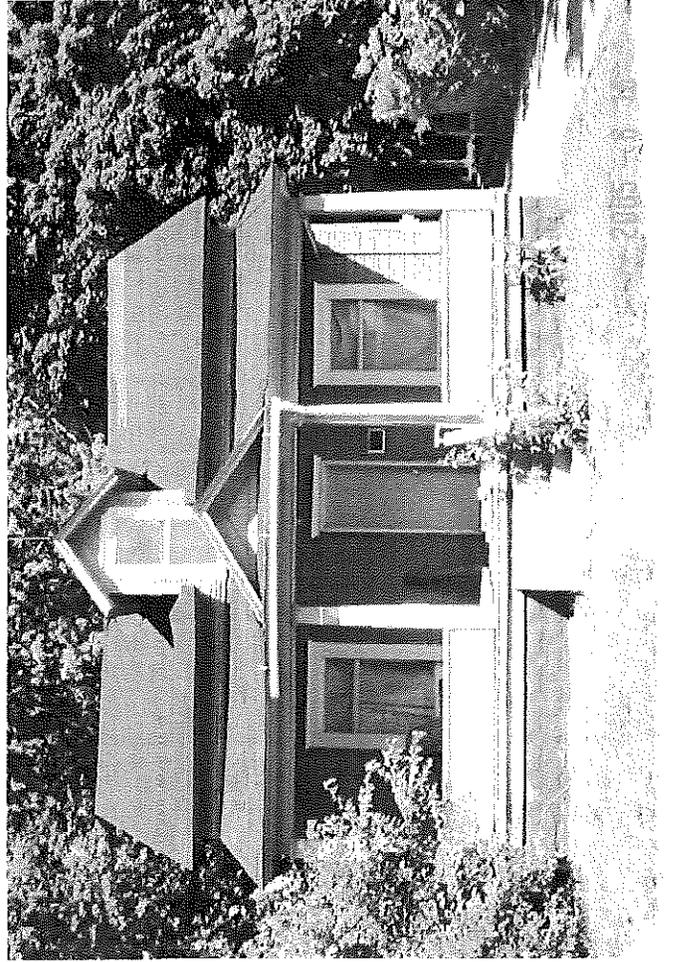
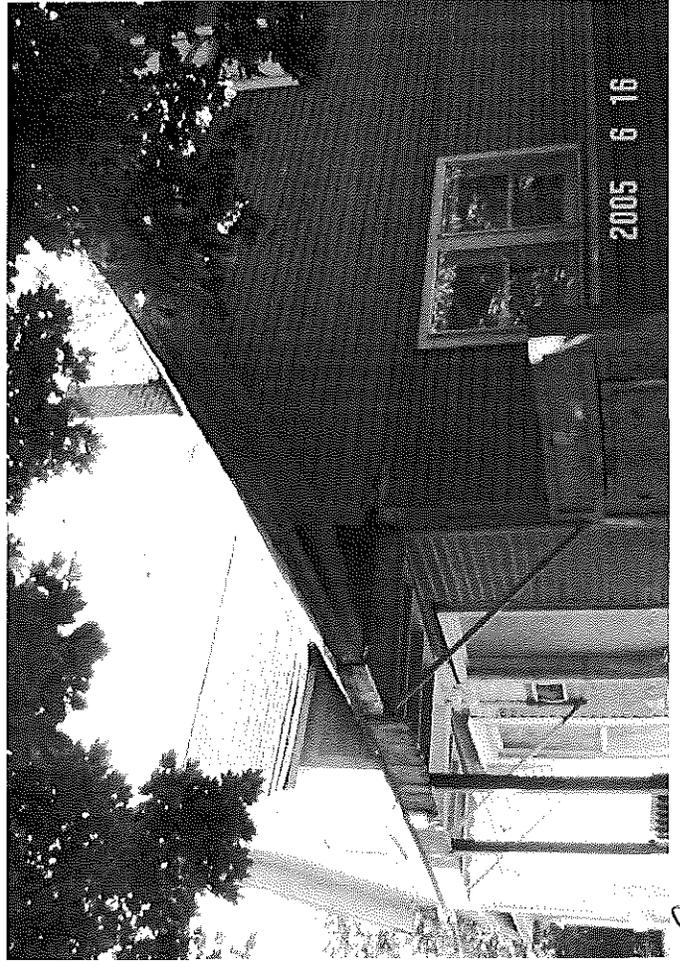
PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



336 Catumba



336 Catawba



336 Catumba

DATE: May 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040063

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **621 Adams** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040061 – 621 Adams Street

Location and ownership: This structure is located on Adams between Langley and Campbell and is owned by Terry L. Pollard.

Staff Correspondence: A dangerous building inspection was conducted on 05/27/04. An interior inspection was conducted 08/13/04. The Notice and Order to Repair was issued on 06/03/04. On 01/06/05 the HBA declared the structure substandard and dangerous.

Owner Contact: Randal & Sandra Bowman was present to represent this case. Sandra Bowman stated they planned to tear down the garage themselves but was waiting for dumpster to be delivered. They had wanted to repair it but concluded it was not cost effective. No permits have been issued nor any contact from the owners since that time. The HBA declared the structure (garage) dangerous, substandard and a public nuisance 01/06/05.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$24,300

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

621 Adams

5/27/04

Inspection noted:

1. Front stoop entry undermined and ready to collapse.
2. Foundation damage perimeter of home – repair.
3. Lighting fixtures hanging by wires off home.
4. Replace roof covering – need rafter investigation.
5. Brick veneer falling off home and there is leaking behind wall.
6. Damaged entry doors.
7. Cabinet in kitchen ripped apart.
8. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
621 Adams
(INTERIOR INSPECTION)
8/13/04**

Inspection noted:

1. Replace missing electrical covers and painted over outlets and switches.
2. Ceiling fans to have rated boxes.
3. Replace damaged, missing or incomplete light fixtures.
4. Provide GFI protection in bathroom and kitchen.
5. Size breaker to conductor size.
6. Living room ceiling is falling down.
7. Repair all holes in walls.
8. Ceilings falling down from water damage.
9. Roof needs to be replaced including sheeting.
10. Façade pulling away from building.
11. Floor in kitchen and bathroom is rotted.
12. Basement walls must be replaced.
13. Kitchen cabinets are rotted and incomplete.
14. Roof needs truss investigation.
15. Building appears to be mold infested.
16. Floor coverings missing.
17. Water heater needs to be replaced.
18. Water piping corroded and needs to be replaced.
19. Tub valve needs to be replaced.
20. Duct needs cleaning.
21. Furnace needs service and inspection.

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

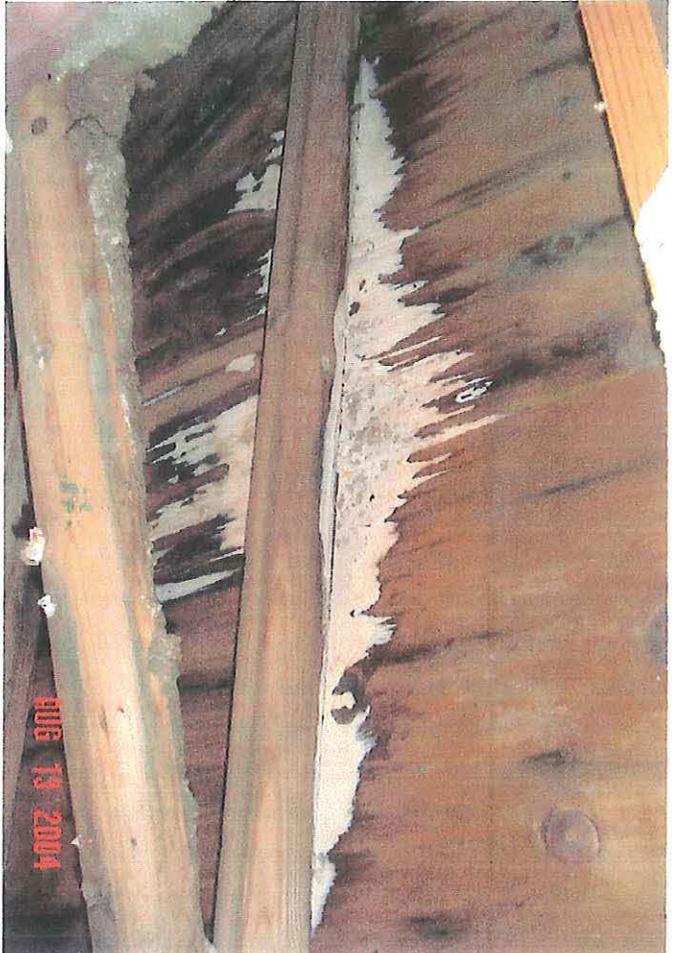
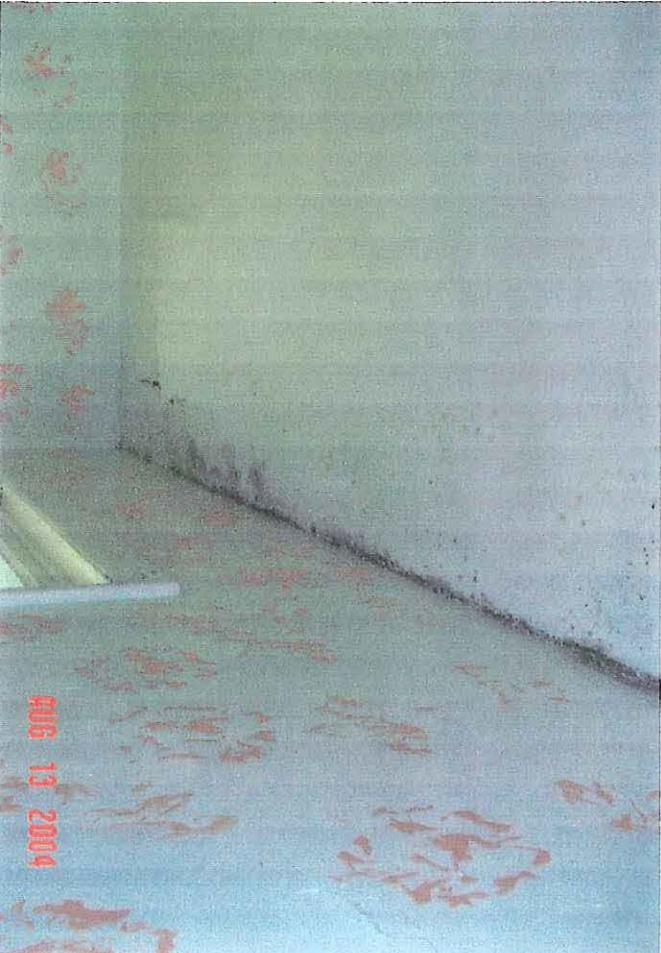
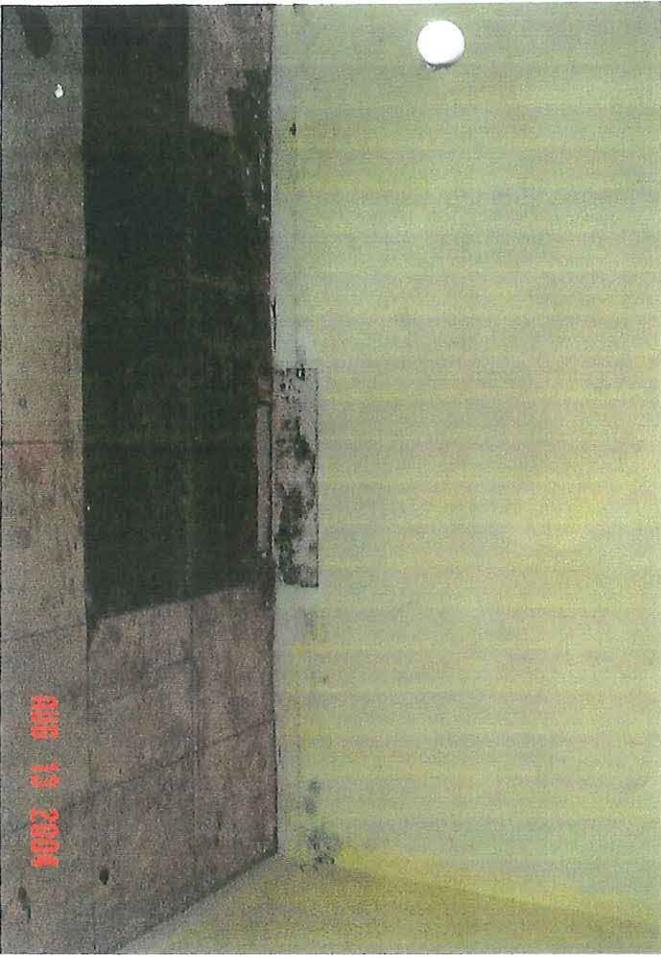
HENRY FALTINOWSKI, BUILDING INSPECTOR

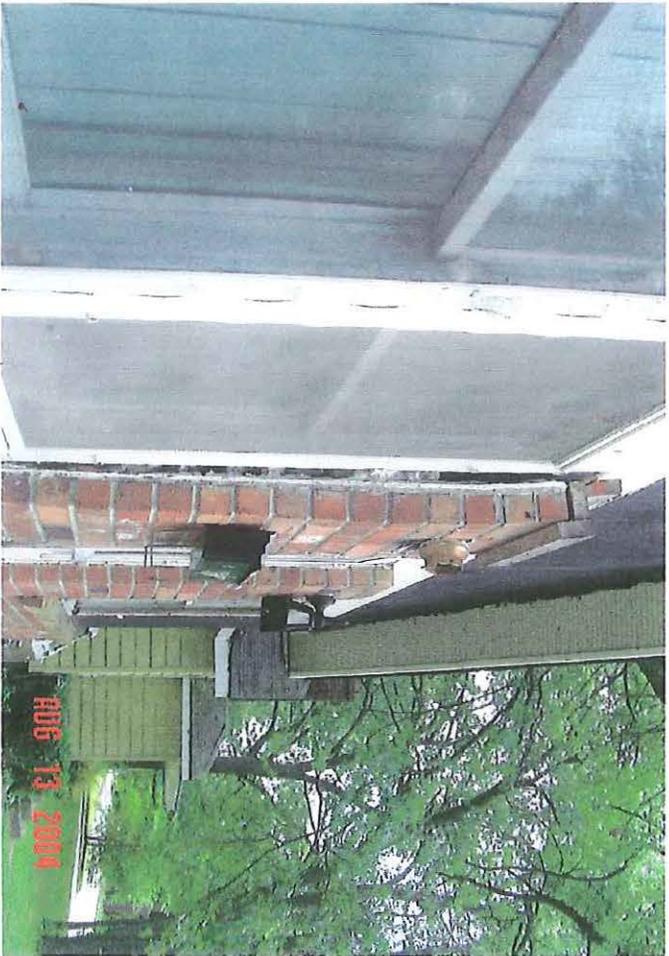
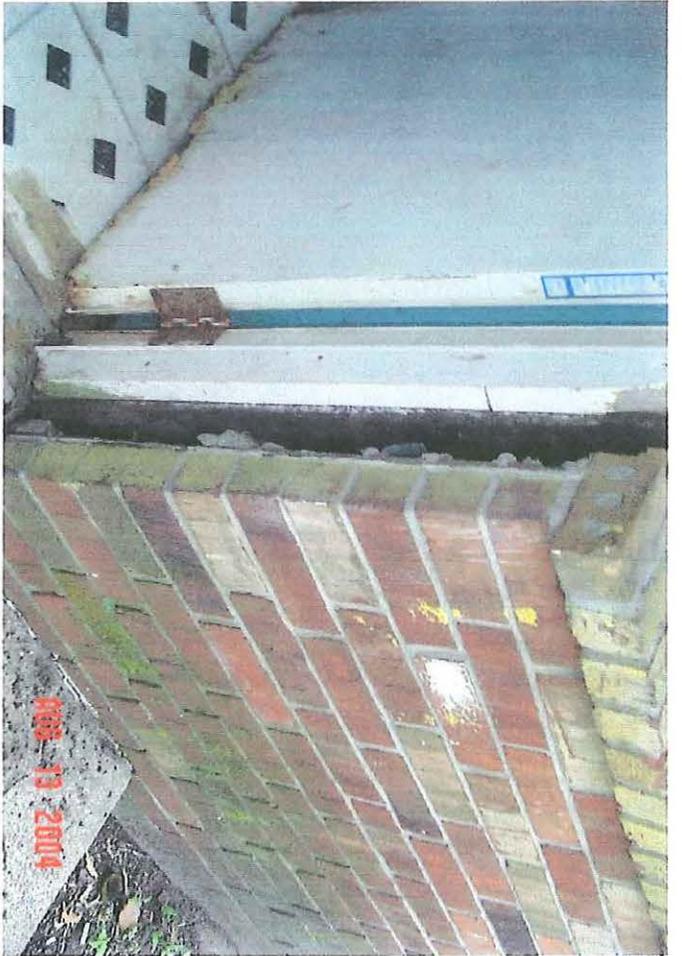
DATE



621 Adams,

1021 Adams





621 Adams

DATE: June 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040069

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1778 Pine is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040069 – 1778 Pine

Location and ownership: This structure is located on Pine between Laketon and E. Larch and is owned by Robert Zavitz, 1778 Pine, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 07/19/04. An interior inspection was conducted 08/05/04. The Notice and Order to Repair was issued on 07/23/05. On 01/06/05 the HBA declared the structure substandard and dangerous.

Owner Contact: Robert Zavitz and sister Bernadine Magna was present for HBA meeting 11/04/2004 stating he was wheelchair bound and had limited funds and case was tabled for 30 days to allow owner time to complete repairs. The case was brought back 01/06/2005 and no progress had been made HBA declared 01/06/05. Mr. Zavitz sister contacted Inspections Department 06/06/05 stating Mr. Zavitz was in a nursing facility and would not be able to complete repairs.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$10,600

Estimated cost to repair: \$20,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1778 Pine St.

7/19/04

Inspection noted:

1. House roof to be replaced.
2. Fascia is rotting and exposed to weather.
3. Rear steps needs to be repaired.
4. Handrail/guardrail missing on rear steps.
5. Front window is broken.
6. Window sashes are exposed to weather.
7. Siding needs to be repaired.
8. Chimney needs to be repaired or replaced.
9. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
10. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ, BUILDING OFFICIAL

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1778 PINE
8/05/04

Inspection noted:

1. Replace and relocate electric service.
2. Wire doorbell transformer to code.
3. Wire wall light in kitchen to code.
4. Replace laundry room light.
5. Replace cords in attic with permanent wiring method.
6. Wire rear exterior light to code.
7. Ceiling fan to have rated box.
8. Replace missing outlet covers.
9. Replace extension cords with permanent wiring.
10. Water heater vented correctly.
11. Clothes washer drain needs replacing.
12. CPVC water pipe installed incorrectly.
13. Kitchen sink drain needs replacing.
14. Chimney needs repairs.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1778 Pine



1778 Pine

DATE: June 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040039

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1191 Seventh** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040039 – 1191 Seventh

Location and ownership: This structure is located on Seventh between Clay and Webster and is owned by Jason Stephenitch, 1191 Seventh, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 03/31/04. The Notice and Order to Repair was issued on 03/31/04. On 06/03/04 the HBA declared the structure substandard and dangerous.

Owner Contact: Mr. Stephenitch was not present for the meeting, but he had been in the Inspection office previously and spoken with the building official about repairing the garage. He stated he would schedule the interior inspection later and submit a timeline for repairs. A building permit was issued 06/07/04 and expired 10/08/04. Inspection Department sent letter 01/13/05 requesting a progress inspection be scheduled but have had no contact since that date.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$19,900

Estimated cost to repair: \$5,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1191 Seventh

3/31/04

Inspection noted:

1. An interior inspection by all trade inspectors is required before any permits or Certificate of Occupancy will be issued.
2. Rear foundation is failing.
3. Windows are broken out.
4. Retaining wall is failing.
5. Siding is missing over garage door.
6. Garage door is rotted.
7. Chimney needs to be repaired or replaced.
8. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

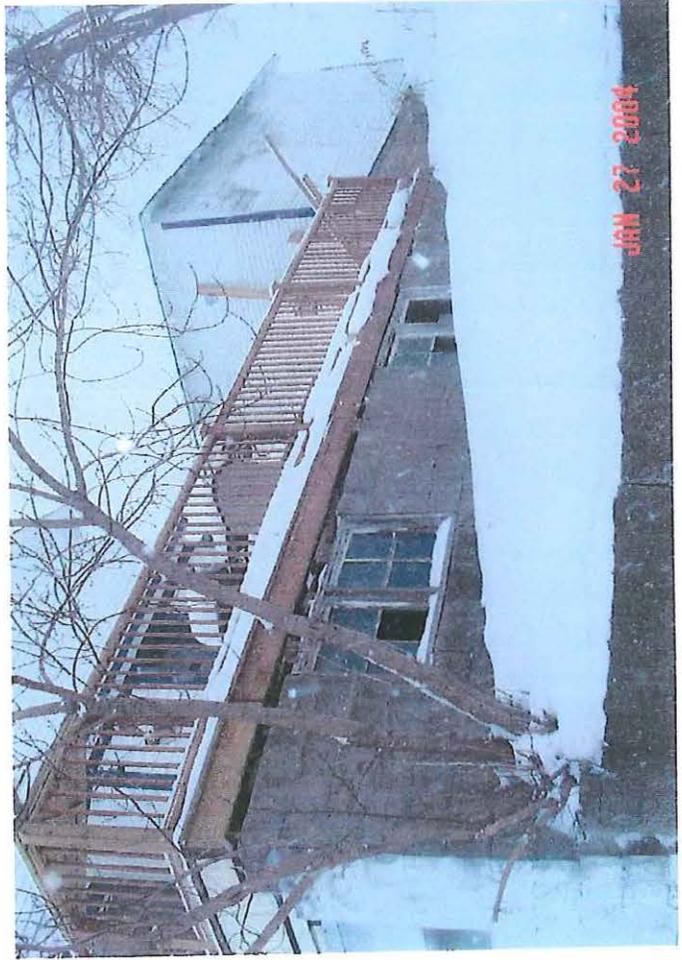
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DONALD LABRENZ II, BUILDING OFFICIAL

DATE



1191 Seventh



1191 7th

AGREEMENT

THIS AGREEMENT, made this January 31, 2006 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
_____); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **1191 Seventh (Garage & Deck)** as
well as required supplemental work for the completion of this project, all in strict
accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$1850.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

- Invitation for Bids
- Instructions to Bidders
- Bid Proposal
- Agreement
- General Specifications for Project Performance
- Equal Opportunity and Employment Specifications
- Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: Alan Sager - pres
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Dail Q. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, TAMMY SAGER, certify that I am the Sec

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

TAMMY SAGER Sec
Printed Name and Title

DATE: June 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040021

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1916 Clinton-** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040021- 1916 Clinton

Location and ownership: This structure is located on Clinton between E. Holbrook Ave. and E. Keating Streets and is owned by Jenkins Investment Properties, 2314 Vincent Dr., Muskegon, MI 49441

Staff Correspondence: A dangerous building inspection was conducted on 01/27/04. An interior inspection was conducted 02/03/04. The Notice and Order to Repair was issued on 01/29/04. On 01/10/05 the HBA declared the structure substandard and dangerous with a 120 day delay before submitting to the commission. A progress inspection was conducted 05/12/05.

Owner Contact: Mr. Jenkins was present to represent this case and stated he had been out of work but now had the financial means necessary to complete the project. All permits issued have expired. No new permits have been issued and no owner contact since progress inspection.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$21,100

Estimated cost to repair: \$25,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1916 Clinton

1/27/04

Inspection noted:

1. Masonry on chimney is deteriorated and loose.
2. Roof shingles are curling and deteriorated.
3. Broken and boarded windows.
4. Open siding over rear door.
5. Rear handrail loosely mounted.
6. Rotted wood at rear steps.
7. Interior inspection required by trade inspectors (plumbing, mechanical, electrical, building).
8. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1916 Clinton
(INTERIOR INSPECTION)
2/3/04**

Inspection noted:

1. Water heater to be replaced.
2. Furnace & ductwork to be cleaned, serviced and certified by licensed mechanical contractor.
3. Repairs made to waste pipe to be corrected by licensed plumbing contractor.
4. Second floor bathroom does not meet minimum requirements for fixture clearances.
5. Service to be replaced and relocated.
6. Exposed knob & tube in basement.
7. Furnace is improperly wired.
8. 3-wire outlets not grounded.
9. Outlets paint filled and unstable.
10. Miscellaneous devices damaged, light fixtures are incomplete and improperly hung.
11. Smoke detectors missing – required per MRC 2000.
12. Foundation wall repair needed. Tuck point foundation wall – repair all concrete and masonry on wall to prevent failure and moisture infiltration.
13. Side porch covering near state of collapse. Remove structure or replace to code. Roof rafters rotted, sheathing rotted, roof covering.
14. Replace all damaged roof covering on entire home.
15. Upper guard must be secured to home to prevent removal of guardrail system.
16. Scrape and paint all exposed wood on exterior home. Window frames, trim, etc.
17. Patch and paint all interior ceiling, wall damage.
18. Smoke alarms throughout – hardwired, interconnected with battery back up – R.317.MRC 2000.
19. Install all handrails, guardrails to meet current code.

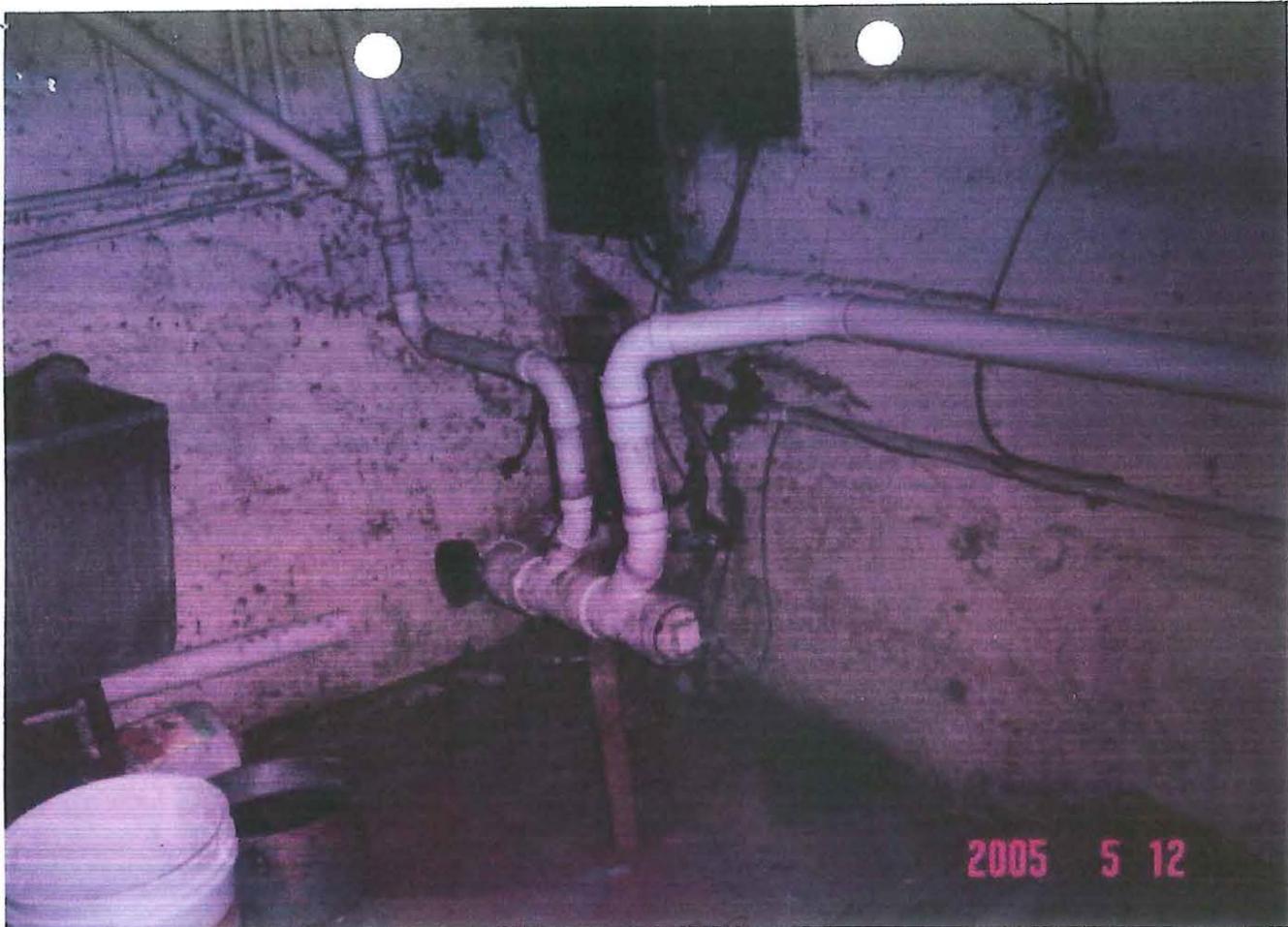
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1916 Clinton - 2/3/2004.
Interior Inspection



1916 Clinton



DATE: June 16, 2005
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050091

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **2355 Lincoln** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050091 – 2355 Lincoln

Location and ownership: This structure is located on Lincoln between Harding and Crozier and is owned by Joseph Hock, 1949 Mill Iron Rd, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 03/01/05 after a fire was reported. An interior inspection was conducted 04/27/05. The Notice and Order to Repair was issued on 03/15/2005. On 05/05/05 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present at the HBA meeting. There has been no owner contact or permits issued since the interior inspection was conducted 04/27/05.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$18,800

Estimated cost to repair: \$40,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 28, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
(Fire Damaged)

2355 Lincoln

03/01/05

Inspection noted:

1. Roof system needs replaced, deteriorating parapets.
2. Rebuild fire damage to code – walls, roof, openings, headers, and beams must be rebuilt to current MRC 2003 code requirements.
3. Truck left in garage, van left in back yard.
4. Shed deteriorating – missing door, remove, rebuild.
5. Interior inspection requested by all trade inspectors.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

City of Muskegon



06/16/05

DANGEROUS BUILDING INSPECTION REPORT

Enforcement

En050091

2355 LINCOLN ST

24-205-674-0001-00

Owner

HOCK ROBERT L/JOSEPH L

Inspection #:

1

Inspector

Type: Dang Building

Henry Faltinowski

Date Completed: 04/27/05

Inspection Noted:

Deficiency Fire Interior Inspection

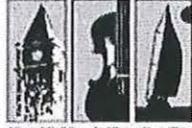
1. Electric service to be replaced to meet 2003 MRC.
2. Building to be rewired to meet 2003 MRC.
3. Smoke alarms to be installed to meet 2003 MRC.
4. Heating to meet 2003 Mich Mech Code.
5. Heating vents to be cleaned also ductwork
6. Plumbing to meet 2003 Mich Plumb Code.
7. Required vent fan in bathrooms.
8. Furnace to be inspected.
9. Gas lines to be hung to 2003 Code.
10. Check out water service - meter.
11. Drain piping to be supported to 2003 Mech Code.
12. Hot water heater & vents to be checked out.
13. Demo fire damaged portion of home.
14. Provide construction drawings for portion of building that will be saved.
15. Smoke alarms per MRC 2003 code.
16. Egress bedroom windows to code.
17. All permits must be obtained and get zoning approval before work can start on remodeled portion of home.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 231 724-6715

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD² BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

City of Muskegon

MUSKEGON



West Michigan's Shoreline City
www.ci.muskegon.mi.us

06/16/05

DANGEROUS BUILDING INSPECTION REPORT

Enforcement

En050091

2355 LINCOLN ST

24-205-674-0001-00

Owner

HOCK ROBERT L/JOSEPH L

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



2355 Lincoln St.

3/1/2005

Kundinger, Gail

From: Davis, Kevin(Home)
Sent: Sunday, June 19, 2005 10:15 AM
To: Kundinger, Gail
Subject: June 28th meeting

1. return of port -a - potties to Pere Marquette Park.
2. PUD : \$10,000 fine for non approval of site plan changes. (per violation)
3. asking VBA to revised Wilcox request.
 - a) full membership should be present.
 - b) unit will be weekly rental @ \$600 per week approx \$2400 per month not a low income rental as stated by membership..
 - c) repeal of non compliant building ordnance.
 - d. status : inspection at sale;
fine for non compliance to inspection;
vendor fees:
cost savings from redistribution of Leisure Services work load. (top only)

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