

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 25, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

ROLL CALL:

CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. Request to Fly the Irish Flag. CITY CLERK
- c. Budgeted Vehicle Replacement – 580M Backhoe. PUBLIC WORKS
- d. Budgeted Vehicle Replacement–Ford F-250 Trucks. PUBLIC WORKS
- e. Storm Water Phase II Permit Application. PUBLIC WORKS
- f. Traffic Department Materials and Services 2003. PUBLIC WORKS
- g. Soffball World Agreement. LEISURE SERVICES
- h. Port-o-Jon Bids. LEISURE SERVICES
- i. Seyferth In-Line Rink Surfacing. LEISURE SERVICES
- j. Smartzone Agreement Between the City and Community Foundation. PLANNING & ECONOMIC DEVELOPMENT
- k. City's Application for Seawall Permit – Smartzone. PLANNING & ECONOMIC DEVELOPMENT
- l. Former Mall Parking Lot Environmental Assessment. CITY MANAGER
- m. Appointment to the Muskegon Housing Commission. CITY MANAGER

PUBLIC HEARINGS:

- a. Request to Issue an Obsolete Property Certificate – Neighborhood Investment Corporation. PLANNING & ECONOMIC DEVELOPMENT
- b. Create a Special Assessment District for Terrace, Iona to Peck. ENGINEERING
- c. Create a Special Assessment District for Davis, Laketon to Southern. ENGINEERING
- d.

NEW BUSINESS:

- a. Sale of Capital Improvement (Sidewalk) Bonds. FINANCE
- b. Liability/Property Insurance Renewal. FINANCE
- c. Letters of Appeal. BOARD OF REVIEW
- d. Clerical Union Tentative Agreements (TA's). ASSISTANT CITY MANAGER
- e. FIRST READING: General Employees' Retirement System Ordinance Amendment. ASSISTANT CITY MANAGER
- f. Request Permission to Award Bid for Organizational Assessment to Ludwig Group LLC. FIRE DEPARTMENT
- g. Concurrence with the Housing Board of Appeals Notice & Order to Demolish:
 1. 1968 Leahy (Garage only)
 2. 465 Adams (Garage only)
 3. 521 Mulder (Garage only)
 4. 1129 Sanford
 5. 1166 W. Grand

2003-18a)

Date: February 25, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, February 10, 2003; and the Regular Commission Meeting that was held on Tuesday, February 11, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

MINUTES

City Commission Worksession

February 10, 2003

5:30 PM

City Hall Commission Chambers

Mayor Warmington called the meeting to order at 5:34 p.m. Also present were Vice Mayor Buie, Gawron, Larson, Schweifler, Shepherd, and Spataro.

1. Budget Update
Finance Director Tim Paul explained the item and answered questions.
2. Grant Application
Kris Collee from Volunteer Muskegon and Melissa Jacobsen gave a presentation reference McCrea Park playground, benches, and water fountain. Match would be \$1 - \$1 or \$.20 - \$1.
3. "Imagine Muskegon"
This was discussed at the Community Relations Committee Meeting.
4. Any other business
Various items were discussed.
5. Adjournment: Meeting adjourned at 7:34 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 25, 2003

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 5:30pm, Tuesday, February 25, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Julie Winklepleck of Immanuel Lutheran Church, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2009-18 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, February 10, 2003; and the Regular Commission Meeting that was held on Tuesday, February 11, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Request to Fly the Irish Flag. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Irish American Society requests permission to fly the Irish Flag outside City Hall on Monday, March 17, 2003, to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

c. Budgeted Vehicle Replacement - 580M Backhoe. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one 580M backhoe from Wolverine Tractor.

FINANCIAL IMPACT: Cost \$57,000 less \$19,000 trade for a total cost of \$38,000.

BUDGET ACTION REQUIRED: None. There is \$70,000.00 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 580M backhoe from Wolverine Tractor.

e. Storm Water Phase II Permit Application. PUBLIC WORKS

SUMMARY OF REQUEST: The City of Muskegon will be submitting an application for a Phase II Storm Water permit on March 13, 2003 as required. This application includes a watershed description, map of storm sewer outfalls, Public Education Plan (PEP) and Illicit Discharge Elimination Plan (IDEP). The City will be participating in the Muskegon Area Storm Water Committee-sponsored PEP but will be conducting the IDEP independently. The City has already achieved most of the goals of the IDEP through the current illicit Connections Identification Grant project.

FINANCIAL IMPACT: Expenditures for the Public Education Plan will be \$2,051 in 2003 and \$3,940 in 2004 Current Illicit Connections grant will offset 70% of IDEP expenditures in 2003.

BUDGETED ACTION REQUIRED: None. Expenses are budgeted under the Storm Water Budget.

STAFF RECOMMENDATION: To approve the submittal of the Phase II Storm Water Permit Application.

f. Traffic Department Materials and Services 2003. PUBLIC WORKS

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

FINANCIAL IMPACT: Sign materials and services to be jointly bid:

Sign Blanks.....	\$1,500.00 approx.
Ready-made Signs	\$1,400.00 approx.
Sign Posts	\$4,500.00 approx.
Sign Sheeting	\$1,800.00 approx.
Centerline Painting.....	\$12,500.00 approx.

Total \$21,700.00 (\$21,100.00 in 2001)

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

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

g. Softball World Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To approve an agreement with Muskegon Charter Township for the use of Softball World for all City of Muskegon, Dept. of Leisure Services Softball Games.

FINANCIAL IMPACT: \$8,500 per year for three years. Total impact, \$25,500.

BUDGET ACTION REQUIRED: None, included in 2003 budget.

STAFF RECOMMENDATION: Approve.

h. Port-o-Jon Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Fresh Start for the 2003 Port-o-Jons for various City Parks.

FINANCIAL IMPACT: Approximately \$12,000

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

i. Seyferth In-Line Rink Surfacing. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Sports Court to provide surfacing for the in-line skating rink at Seyferth Park.

FINANCIAL IMPACT: \$24,120

BUDGET ACTION REQUIRED: None, the funding is through the Community Foundation for Muskegon County, the Thomas and Geraldine Seyferth Fund.

STAFF RECOMMENDATION: Approve.

j. Smartzone Agreement Between the City and Community Foundation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Community Foundation for Muskegon County has agreed to assist the City of Muskegon with the Smartzone project in the event funds are insufficient to finance the Local Development Finance Authority bond repayments for the Smartzone building. The "Agreement" is attached. In the Agreement, the Community Foundation agrees to share in the debt obligation for bonds, in the event tax increment revenues are insufficient to cover the bond payment. The amount of their contribution will not exceed \$75,000 annually. The terms of the Agreement shall not commence until June 1, 2006 and such obligation will terminate December 31, 2016.

FINANCIAL IMPACT: May positively effect the City if tax increment revenues are insufficient to make bond repayments in any given year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Agreement between the Community Foundation for Muskegon County and the City of Muskegon and authorize the Mayor to sign.

k. City's Application for Seawall Permit - Smartzone. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has obtained a grant, the Core Communities Fund, from the Michigan Economic Development Corporation, to construct a seawall and boardwalk on the Smartzone/Edison Landing site. Although the owner of the property, Lakefront LLC will be providing project oversight, they have requested that the City apply for the actual permit (since the City grant funding is financing the project). In addition, the City has been provided with a letter from Lakefront LLC agreeing to various conditions in regards to the City being held harmless and outlining procedures for payment.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the staff recommendation to apply for a seawall permit for the Smartzone/Edison Landing site and to authorize the City manager to sign the permit application.

l. Former Mall Parking Lot Environmental Assessment. CITY MANAGER

SUMMARY OF REQUEST: To approve the hiring of ERM to do the Phase II environmental assessment for the former Muskegon Mall parking lots.

FINANCIAL IMPACT: \$18,5000

BUDGET ACTION REQUIRED: A budget amendment will be required.

STAFF RECOMMENDATION: To approve the agreement with ERM.

COMMITTEE RECOMMENDATION: None

m. Appointment to the Muskegon Housing Commission. CITY MANAGER

SUMMARY OF REQUEST: To reappoint Maxine Lenear to the Muskegon Housing Commission. The term will expire January 31, 2008.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the appointment.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda minus Item d.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSED

2003-19 ITEMS REMOVED FROM CONSENT AGENDA:

d. Budgeted Vehicle Replacement-Ford F-250 Trucks. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase four Ford F-250 Trucks from Tony Betten & Sons Ford.

FINANCIAL IMPACT: Total cost \$68,893.92

BUDGET ACTION REQUIRED: None. There is \$80,000.00 budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of four Ford F-250 Trucks from Tony Betten & Sons Ford.

Motion by Commissioner Larson, second by Commissioner Spataro to approve the purchase of four Ford F-250 Trucks from Tony Betten & Sons Ford.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

MOTION PASSED

2003-20 PUBLIC HEARINGS:

a. Request to Issue an Obsolete Property Certificate - Neighborhood Investment Corporation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Neighborhood Investment Corporation, Terrace Plaza Suite 625, 316 Morris Street, Muskegon Michigan has requested the issuance of an Obsolete Property Certificate for the property located at 1115-1119 Third St. (former Walt Plant Appliances), Muskegon, MI. The Obsolete Property District was established October 9, 2002. Total capital investment for this project is \$450,000. The project will result in the creation of 15 construction jobs, but more importantly, the rehabilitation and revitalization of a historic building. The plans for the building also include five, 1-2 bedroom apartments on the second floor, in addition to the office space on the first floor.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 1115-1119 Third Street, Muskegon, MI for a term of 6 years.

The Public Hearing opened at 5:47pm to hear any comments for the public. Comments were heard from Jane Clingman-Scott, Executive Director of Neighborhood Investment Corporation and Harold Anderson, Jefferson Towers, Muskegon.

Motion by Commissioner Shepherd, second by Commissioner Gawron to close the Public Hearing at 5:56pm and to approve the resolution issuing an Obsolete Property Certificate for 1115 - 1119 Third St., Muskegon, MI for a term of 6 years.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSED

b. Create a Special Assessment District for Terrace, Iona to Peck. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Terrace St. Iona to Peck project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:59pm to hear any comments for the public. Comments in opposition was heard from Irma Buckner of 1140 Terrace St.

Motion by Commissioner Larson, second by Commissioner Spataro to close the public hearing at 6:03pm and to create the special assessment district for Terrace, Iona to Peck and appoint two City Commissioners to the Board of Assessors. They are Commissioner Shepherd and Mayor Warmington.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSED

c. Create a Special Assessment District for Davis, Laketon to Southern.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Davis, Laketon to Southern project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:04PM to hear any comments for the public. Comments in opposition was heard from Paul Pruitt of 1212 W. Dale and Gina Fossler of 1190 Ireland.

Motion by Commissioner Spataro, second by Vice Mayor Buie to close the public hearing at 6:10pm and to create the special assessment district Davis, Laketon to Southern and appoint two City Commissioners to the Board of Assessors. They are Commissioner Spataro and Commissioner Gawron.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

2003-21 NEW BUSINESS:

a. Sale of Capital Improvement (Sidewalk) Bonds. FINANCE

SUMMARY OF REQUEST: Bids will be opened at 2:00pm on Tuesday, February 25, 2003 for sale of \$1,575,000 capital improvement bonds as previously approved by the City Commission. Proceeds of the bond sale will be used to finance the final three years of the City's sidewalk program and will be repaid through special assessments on benefiting properties. The City Commission is asked to adopt the attached awarding resolution assuming acceptable bids are received.

FINANCIAL IMPACT: Interest costs will be known at the time bids are opened and the Commission will be provided with a summary.

BUDGET ACTION REQUIRED: Debt service costs will be included in the City's budget for the life of the bonds.

STAFF RECOMMENDATION: Approval of the attached awarding resolution (assuming acceptable bids are received).

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Larson to approve the sale of Capital Improvement (Sidewalk) Bonds and to adopt the awarding resolution to Robert W. Baird & Company.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSED

b. Liability/Property Insurance Renewal. FINANCE

SUMMARY OF REQUEST: To renew the City's liability and property insurance coverage with the Michigan Municipal Risk Management Association (MMRMA), an intergovernmental self-insurance pool representing more than 300 Michigan municipalities. Since 1986 the City has had liability coverage through the MMRMA; in 1999 property coverage was added. The City is coming off a three-year fixed rate contract with MMRMA during which time the insurance industry was rocked by both the stock market collapse and the 9/11 terrorist attack. Therefore, a significant renewal rate increase was not unexpected.

FINANCIAL IMPACT: Total contribution of \$856,599 comprised of two components: \$594,515 fixed insurance costs and \$262,084 contribution to the City's self-insured retention fund. The fixed insurance costs represent a 29% increase over 2002 costs.

BUDGET ACTION REQUIRED: None. The City's 2003 budget anticipated a 24% premium increase. Since the quoted renewal (29% increase) is for a twelve month period ended March 1, 2004, only ten months of the higher premium will impact FY 2003 so the current budget is adequate.

STAFF RECOMMENDATION: Renewal of liability and property insurance coverage with MMRMA. Staff believes that intergovernmental procurement of insurance coverage is most cost-effective approach. Moreover, the MMRMA program has the broadest coverage available to Michigan municipalities and the City's past experience with the program has been very positive.

COMMITTEE RECOMMENDATION: None.

Motion by Commissioner Larson, second by Commissioner Gawron to renew coverage for Liability/Property Insurance with Michigan Municipal Risk Management Association.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSED

c. Letters of Appeal. BOARD OF REVIEW

SUMMARY OF REQUEST: To obtain approval of the City Commission to allow letters of appeal from residents for the Board of Review to act upon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the resolution.

COMMITTEE RECOMMENDATION: Approve the resolution.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to allow letters of appeal from residents for the Board of Review to act upon.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSED

d. Clerical Union Tentative Agreements (TA's). ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Staff recommends approval of the set of tentative agreements reached with and ratified by the Clerical union on Monday, February 17, 2003.

FINANCIAL IMPACT: The overall financial packet is around 10% of payroll. The packet includes two significant economic issues:

Wages:	Contract Yrs.	2003	2004	2005
		3.00%	3.00%	2.50%

Multiplier: Increased from 1.9% to 2.25%, *effective at the end of the contract December 31, 2005.*

BUDGET ACTION: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Shepherd, second by Commissioner Larson, to approve the set of tentative agreements reached with and ratified by the Clerical Union on Monday, February 17, 2003.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

MOTION PASSED

e. FIRST READING: General Employees' Retirement System Ordinance Amendment. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To adopt the ordinance change which will increase the multiplier for the Clerical Union.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the adoption for the Ordinance change which will increase the multiplier for the Clerical Union.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSED

f. Request Permission to Award Bid for Organizational Assessment to Ludwig Group LLC. FIRE DEPARTMENT

SUMMARY OF REQUEST: Requesting City Commission permission to award bid for organizational assessment of the Muskegon Fire Department to Ludwig Group LLC.

FINANCIAL IMPACT: \$22,500

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION: Staff recommends approval of bid for organizational assessment of the Muskegon Fire Department to Ludwig Group LLC.

Motion by Commissioner Larson, second by Commissioner Schweifler to award bid for organizational assessment of the Muskegon Fire Department to Ludwig Group LLC.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSED

g. Concurrence with the Housing Board of Appeals Notice & Order to Demolish:

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structures located at 1968 Leahy (Garage only), 465 Adams (Garage only), 521 Mulder (Garage only), 1129 Sanford, and 1166 W. Grand are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

1. 1968 Leahy (Garage only)

CASE# & PROJECT ADDRESS: 02-068 - 1968 Leahy (Garage)

LOCATION AND OWNERSHIP: This structure is located on Leahy between Holbrook and Keating. It is owned by Idell Sheard.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/11/02. A notice and order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Sheard was at that meeting and stated he would demolish the garage. As of this date no demolition permit has been pulled.

OWNER CONTACT: None

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$24,400

ESTIMATED COST OF REPAIRS: \$1,500

2. 465 Adams (Garage only)

CASE # & PROJECT ADDRESS: #20-055 - 465 Adams (Garage)

LOCATION AND OWNERSHIP: This structure is located on Adams between Marshall and Wood Street. It is owned by Timothy Hatcher.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/11/02. A Notice and Order to repair or remove, was issued 9/26/02. On 11/7/02 the HBA declared the garage dangerous and substandard. There has been no contact from the current owner.

OWNER CONTACT: None

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$1,500

ESTIMATED COST OF REPAIRS: \$3,000

3. 521 Mulder (Garage only)

CASE # & PROJECT ADDRESS: 02-071 - 521 Mulder (Garage)

LOCATION AND OWNERSHIP: This structure is located on Mulder between Ellifson and Jackson. It is owned by Robert and Diane Dempsey.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/11/02. A Notice and Order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Dempsey was at that meeting and stated he would like to reroof the garage, but he does not have the finances to do so. The garage has been in a collapsed state since 2001. He was told the garage would also need a foundation inspection if he intends to repair it and he would need to contact the building inspector. The garage was declared dangerous and substandard, but Mr. Dempsey was told if he wanted to save the garage he would need to move forward with repairs within 30 days. There has been no further contact from the owner since that meeting.

OWNER CONTACT: None

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV \$12,700

ESTIMATED COST OF REPAIRS: \$3,000

4. 1129 Sanford

CASE # & PROJECT ADDRESS: 02-050 - 1129 Sanford

LOCATION AND OWNERSHIP: This structure is located on Sanford between Houston and Monroe. It is owned by Robert Alberts.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/4/02. An inspection report was written at that time. Upon issuing a Notice and Order to repair or remove, the owner advised that the home was sold on a land contract to someone else. Permits were issued in February 2002, but the work was not finished. There has been no contact from the current owner. On December 5, 2002 the HBA declared the building dangerous and substandard.

OWNER CONTACT: None

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$14,100

ESTIMATED COST OF REPAIRS: \$12,000

5. 1166 W. Grand

CASE # & PROJECT ADDRESS #01-051 - 1166 W. Grand

LOCATION AND OWNERSHIP: This structure is located on W. grand west of Barclay at the end of the cul-de-sac. It was owned by Kenneth & Maryjane Sanford and they sold it on a land contract to James & Tamara Ward. An inspection was conducted on 11/15/01 due to complaints regarding the exterior condition of the home. A Notice and Order to repair or remove was issued 2/26/02. The case was heard before the HBA on May 2, 2002 and it was tabled for 180 days. At that time it was ordered that the repairs to the front of the house be completed within 30 days and the exterior repairs be completed within 90 days. It was stated if the conditions were met, the case would not be brought back to the HBA. The exterior repairs were not completed and the case was heard again before the HBA on 12/5/02. The Wards were not present, but they called the office on 11/27/02 and stated they had been working inside and spent a large amount of money on the electrical work and that the front of the house would be completed within 60 days. There has been no contact with the owners since that date. The HBA declared it dangerous and substandard on 12/5/02

STAFF CORRESPONDENCE: This property was fire damaged and had an inspection 4/1/02. It had been rented out previous with no Certificate of Compliance. An interior inspection was conducted on 4/15/02 with the property manager. The HBA ordered the structure demolished 7/11/02. The Notice and Order to repair or remove was issued 8/7/02.

OWNER CONTACT: The owners were present at the 5/2/02 HBA meeting and stated they wanted to repair the house. They have called for some inspectiopns, but there has been no contact since 11/27/02

FINANCIAL IMPACT: The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: None

SEV: \$26,500

ESTIMATED COST OF REPAIRS: \$10,000

Motion by Commissioner Schweifler, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 1968 Leahy (Garage only), 465 Adams (Garage only), 521 Mulder (Garage only), 1129 Sanford, 1166 W. Grand and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

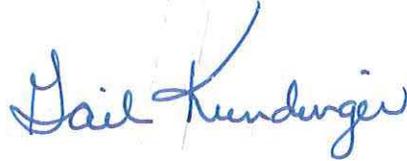
ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd,
Spataro

Nays: None

MOTION PASSED

The Regular Commission Meeting for the City of Muskegon was adjourned at 6:40PM.

Respectfully submitted,

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

Gail Kunderger, MMC

2003-18 b)

Date: February 25, 2003
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Request to Fly the Irish Flag

SUMMARY OF REQUEST: The Muskegon Irish American Society requests permission to fly the Irish Flag outside City Hall on Monday, March 17, 2003, to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

February 4, 2003

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

Dear Ms. Potter,

The Muskegon Irish American Society re-submits its request to fly the Irish Flag on Monday, March 17, 2003 to celebrate St. Patrick's Day. The Irish population of Muskegon enjoys seeing the flag displayed in conjunction with other St. Patrick's Day celebrations.

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

The officers of the Muskegon Irish American Society are:

President- Gene Kendra, 2124 Carter, Muskegon MI 49441

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

Treasurer- Kevin Donovan, 1086 Ireland, Muskegon MI 49441

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

Program Chairpersons- Neil Mullally, 4097 Braeburn, Muskegon MI 49441

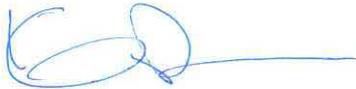
Mary Anne Gorman, 7433 Palm Drive, Spring Lake MI 49456

We request that the flag be flown from Monday, March 17th until Friday March 21st in front of City Hall.

Our organization is a non-profit social organization.

I am the contact person who will be responsible for the flag's condition and presentation. We would like to gather at 11:30 a.m. to raise the flag. The entire activity takes approximately 10 to 15 minutes. Please inform me if the above request is granted. We appreciate the past cooperation of the City of Muskegon.

Sincerely,



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

Stail

January 15, 2002

City of Muskegon
Attn: Bryon L. Mazade, City Manager
933 Terrace Street
Muskegon, MI 49440

Dear Sir,

The Irish American Society of Muskegon requests permission to again fly the Irish Flag outside the City Hall on Monday, March 17, 2003, the feast day of St. Patrick, the patron Saint of Ireland.

We would like to gather at 11:30 A.M. to raise the flag. The entire activity takes approximately ten minutes.

Please inform me if the above request is granted. We appreciate the past cooperation of the City of Muskegon.

Sincerely,

Jeanne L. O'Brien
Secretary
8985 Lakeshore Drive
West Olive, MI 49460



RECEIVED
JAN 21 2003
MUSKEGON
CITY MANAGER'S OFFICE

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

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

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

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

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

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

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

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

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

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

Fire Department
(231)724-6792
FAX: (231)724-6985

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

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

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

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

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

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

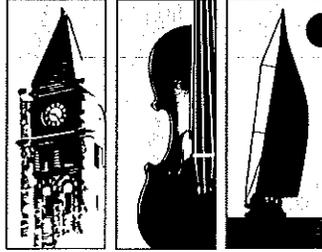
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

January 28, 2003

Ms. Jeanne L. O'Brien
8985 Lakeshore Drive
West Olive, MI 49460

Dear Ms. O'Brien:

Thank you for your letter requesting permission to fly the Irish Flag outside City Hall on Monday, March 17, 2003.

The Flag Placement Policy states that your request shall state in writing:

- a. All the reasons for the request
- b. Describe and display the flag, which shall not be changed in the event permission is given
- c. State the name, address, and the names and addresses of all the officers, of the organization submitting the request. Indicate the legal form of organization, and the name and address of the contact person who shall be responsible for the flag's condition and presentation.
- d. State the period for which the flag is requested to be flown
- e. The desired location. (Locations shall be determined by the City based on availability and ability to display the flag without infringing on the display by others, including the City itself)

Enclosed is a copy of the Policy. If you have any questions, please call me at (231)724-6705.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc.

CITY OF MUSKEGON

FLAG PLACEMENT POLICY

2001-139(b)

A. Purpose

To provide a procedure to consider requests to the City to fly flags on City owned or occupied property or facilities (herein "City property"). The flying of the United States of America, State of Michigan, the County of Muskegon and the City of Muskegon flags are exempt (except as set forth herein), from this policy and can be flown on City property or at City property by authorized City employees or officials.

B. City Control of Flag Placement.

Except as permitted by the City Commission or City staff members with authority, no flag, including "exempt" flags shall be placed on City property by any person except authorized city employees or officials. The procedures and standards set forth in this policy document shall govern the City's decision to permit or deny permission to have a particular flag flown or displayed on City property.

The flying of flags on City property is peculiarly within the prerogatives of the City. Flags which are permitted to be flown on City property have the effect of representing to the community the City's support for the organization or point of view which is represented by the flag. The City reserves the right to refuse or terminate the flying of any flag for the reason that unintended endorsements by the City shall not result from this policy. It is this concern, together with the City's acknowledgement that the flying of flags is a form of speech, which shall guide the City in administering this policy.

C. Review Process. The Procedure.

1. Request

A request to fly a flag(s) must be submitted in writing to the City Clerk at least 30 days prior to when the flag is proposed to be raised. The request shall state in writing:

a.. All the reasons for the request.

b. Describe and display the flag, which shall not be changed in the event permission is given.

c. State the name, address, and the names and addresses of all the officers, of the organization submitting the request. Indicate the legal form of organization, and the name and address of the contact person who shall be responsible for the flag's condition and presentation.

d. State the period for which the flag is requested to be flown.

e. The desired location. (Locations shall be determined by the City based on availability and ability to display the flag without infringing on the display by others, including the City itself).

2. City Staff Review

The City staff will review the request and make a recommendation to the City Commission based on the following:

a. Appropriateness of the organization and the flag. Flags which support illegal activities, take political positions or support candidates for any office, advocate against City policies or involve obscene language, symbols or activities are prohibited.

b. The number of other flags already approved.

c. The availability of locations.

d. The time period during which the flag shall be permitted to be flown on City property. No permission shall be given for permanent flag placement. In the event an applicant desires a longer time period than that granted, renewal applications shall be submitted at least 30 days before the end of the initial period in order to afford the City Commission opportunity to decide on the extension.

D. City Commission Consideration and Decision.

The City Commission will consider the request after the review and recommendation from City staff. The City Commission will consider the determination of City staff when making their decision as well as any other criteria they deem appropriate, to the extent that the criteria are legally and constitutionally supportable. In the event a request is denied by the Commission, a decision with the reasons set forth shall be adopted at the time of the refusal, and set forth in the minutes in writing as part of the motion (or resolution) adopted.

E. Grant by City Commission; Location and Term

Any request that is approved will be accomplished by City Commission resolution that will include the specific location(s) where the flag(s) can be flown and the time period for which the request is granted.

Policy regarding term of the permission: No permanent permission shall be granted. The City's policy is to favor shorter term flying periods to accommodate a reasonable number of requests and avoid unintended endorsements which can arise not only by the message of the flag itself, but also by the duration a flag is flown other than flags of the City, County, State and the United States.

Applicants are encouraged to apply for periods of display which are shorter, as stated above. However, the Commission will consider periods up to one year for flags which represent long term or continuing organizations, activities or public (non-political) concerns. More typical will be permission granted for periods of a week to thirty days.

The term of any permission granted shall be subject to the City's determination to fly another flag in the location of and instead of the permitted flag in a time of emergency or of critical public concern.

F. Flag Maintenance

It shall be the responsibility of the requesting organization to maintain the flag(s) in good repair. Failure to do so will result in revocation of the permission to fly the flag(s). The City shall afford access to the flag for repair and maintenance.

G. Revocation

The City Commission shall have the sole discretion to revoke the permission to fly a flag permitted under this policy for whatever reasons they deem appropriate and which are legally and constitutionally supportable. Claims made by any person to whom permission has been granted concerning the import of the City's permission to fly a flag which are not intended or acceptable to the City shall be, without limitation, grounds for revocation without notice.

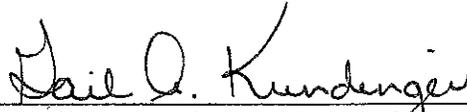
Any revocation of permission before the term permitted has expired shall be accomplished by the City removing the flag and notifying the applicant to come to the City's offices to retrieve the flag or flags removed. In such case the City shall indicate by written memorandum delivered to the applicant the reason(s) for revocation.

2001-139(b)
CERTIFICATION

This policy was adopted at a regular meeting of the City Commission, held on November 27, 2001. 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, City Clerk

Date: 01/20/03
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor DPW
RE: Budgeted Vehicle Replacement

2003-18 c)

SUMMARY OF REQUEST: Approval to purchase one 580M backhoe from Wolverine Tractor.

FINANCIAL IMPACT: Cost \$57,000 less \$19,000 trade for a total cost of \$38,000

BUDGET ACTION REQUIRED: None. There is \$70,000.00 Budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Case 580M backhoe from Wolverine Tractor.

Memorandum

To: Robert Kuhn
From: Brett Kraley
Date: 02/19/03
Re: Backhoe Purchase

The Equipment Division has been trying out backhoes for the last several months to replace the 1994 Case backhoe that we are currently using. We have narrowed our search to two models that best serve our needs. The two models are the Caterpillar 420D and the Case 580M. The Case 580M is sold by Wolverine Tractor from Grand Rapids Michigan and is priced at \$57,000. The Caterpillar 420D is sold by Michigan Caterpillar from Grand Rapids Michigan and is priced at \$62,800.

We currently have five Case backhoes in our fleet and have been very satisfied with the quality and durability of their machine. By staying with Case we will not have to stock maintenance parts for another machine or train our mechanics on a new unit. We have a guaranteed trade in allowance from Case of \$19,000 for the machine we are replacing, which will lower our cost to \$38,000. We are currently exploring the option of selling this unit outright for a larger amount.

Therefore, I am requesting permission to purchase one 2003 Case 580M from Wolverine Tractor for \$57,000 less our guaranteed trade in of \$19,000 for a total cost \$38,000.

Date: February 18, 2003
To: Honorable Mayor and City Commissioners
From: Public Works
RE: Storm Water Phase II Permit Application

2003-18 e)

SUMMARY OF REQUEST:

The City of Muskegon will be submitting an application for a Phase II Storm Water permit on March 13, 2003 as required. This application includes a watershed description, map of storm sewer outfalls, Public Education Plan(PEP) and Illicit Discharge Elimination Plan(IDEP). The City will be participating in the Muskegon Area Storm Water Committee-sponsored PEP but will be conducting the IDEP independently. The City has already achieved most of the goals of the IDEP through the current Illicit Connections Identification Grant project.

FINANCIAL IMPACT:

Expenditures for the Public Education Plan will be \$2,051 in 2003 and \$3,940 in 2004. Current Illicit Connections grant will offset 70% of IDEP expenditures in 2003.

BUDGET ACTION REQUIRED:

None. Expenses are budgeted under the Stormwater Budget.

STAFF RECOMMENDATION:

To approve the submittal of the Phase II Storm Water Permit Application.

COMMITTEE RECOMMENDATION

Public Education Plan Cost Allocation
Muskegon Area Storm Water Committee

County Allocation		Year 1	Year 2
Muskegon County Administration	25.0%	\$2,680	\$5,149
Muskegon County Road Commission	10.0%	\$1,072	\$2,060
Sub Total for County Departments	35.0%	\$3,752	\$7,208
Remaining Allocation	65.0%	\$6,968	\$13,387

Phase II Communities	Total Pop.	Total	Year 1	Year 2
Dalton Township	8,047	5.9%	\$411	\$791
Egelston Township	9,537	7.0%	\$488	\$937
Fruitport Charter Township	12,533	9.2%	\$641	\$1,231
Laketon Township	7,363	5.4%	\$377	\$723
City of Muskegon	40,105	29.4%	\$2,051	\$3,940
Muskegon Charter Township	17,737	13.0%	\$907	\$1,742
Norton Shores	22,527	16.5%	\$1,152	\$2,213
Roosevelt Park	3,890	2.9%	\$199	\$382
Sullivan Township	2,477	1.8%	\$127	\$243
City of Muskegon Heights	12,049	8.8%	\$616	\$1,184

**Illicit Discharge Elimination Plans - Regional Cooperation
Cost Allocation**

Years 1 & 2 Locating the Problem Areas

<u>PHASE II COMMUNITIES</u>	<u>ANNUAL COST</u>
Dalton Township	\$1,650
Egelston Township	\$4,816
Fruitport Charter Township	\$9,970
Village of Fruitport	\$2,132
Laketon Township	\$4,165
City of Muskegon*	\$50
Muskegon Charter Township	\$8,724
Norton Shores	\$13,851
Roosevelt Park	\$1,650
Sullivan Township	\$1,650
Muskegon Heights	\$5,294
Muskegon County Administration and Drain Commissioner	\$11,250
Muskegon County Road Commission	\$18,875

Annual Cost includes - \$10,000 for intern

* City of Muskegon will participate in training of municipal employees only

Agenda Item No. 2003-18 f)

City Commission Meeting _____

Date: February 25, 2003
To: Honorable Mayor and City Commission
From: Department of Public Works
Re: Traffic Department materials and services 2003

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

Sign materials and services to be jointly bid:

Sign blanks	\$1,500.00 approx.
Ready-made signs.....	\$1,400.00 approx.
Sign posts	\$4,500.00 approx.
Sign sheeting	\$1,800.00 approx.
Centerline painting	\$12,500.00 approx.

Total \$21,700.00 (\$21,100.00 in 2001)

BUDGET ACTION REQUIRED:

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

STAFF RECOMMENDATION:

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

Memo

To: Bob Kuhn
From: Staff
Date: 01/29/03
Re: Sign Materials & Services: Annual Contract

Again this year we are requesting permission to bid jointly for our sign materials and services with the Muskegon County Road

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
sign blanks →	\$1.37/sq. ft.	\$1.29/sq. ft.	\$1.50/sq. ft.	\$1.47/sq. ft.	\$1.40/sq. ft.

For sign posts:

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
2# x 11' posts →	\$5.91/ea	\$5.60/ea	\$5.45/ea.	\$5.76/ea.	\$6.15/ea.
3# x 12' posts →	\$9.66/ea	\$9.22/ea	\$8.92/ea.	\$9.42/ea.	\$10.08/ea.

For sheeting: Our standard has always been 3M sheeting, they are the only bid usually received by MCRC, they like us, use 3M sheeting exclusively. 3M also has supplied us with a sheeting roller at no cost and to maintain the warranty on their sheeting they also supply us with inks at no cost. The cost of sheeting has risen only very slightly over the last few years, this year most items will rise from anywhere from 2% to 5%.

Centerline painting: Before 1997, we contracted with the MCRC for this work. In 1997 they sold their equipment and we jointly bid with all other cities and townships in the County. In 1997 M&M Pavement Marking, Inc. was awarded the bid and has since been extended the contract every year since at the same unit prices. Our overall cost since 1998 has been higher because we painted over significant amounts of faded permanent pavement marking and painting costs have increased.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
	\$7,815 (M&M)	\$10,041 (M&M)	\$10,082 (M&M)	\$10,060 (M&M)	\$11,228 (M&M)

2003-18g)

Date: February 18, 2003
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen
RE: Softball World Agreement

SUMMARY OF REQUEST:

To approve an agreement with Muskegon Charter Township for the use of Softball World for all City of Muskegon, Dept. of Leisure Services softball games.

FINANCIAL IMPACT:

\$8,500 per year for three years. Total impact, \$25,500.

BUDGET ACTION REQUIRED:

None, included in 2003 budget.

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
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FAX/727-6904

Finance
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FAX/724-6768

Info. Systems
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FAX/722-4301

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

Manager's Office
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FAX/722-1214

Mayor's Office
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FAX/726-2501

Planning/Zoning
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FAX/724-6790

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

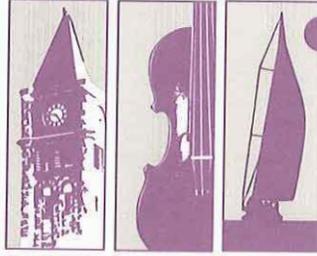
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 18, 2003
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen *M. Jacobsen*
Re: Softball World Agreement

I am requesting your approval of an agreement with Muskegon Charter Township for the use of Softball World for City of Muskegon, Department of Leisure Services softball leagues. The previous contract expired last November, and the new one is the same except for an increase of \$500 per year.

The cost of the usage is \$25,500 for three years.

Thank you for your consideration.

LEASE AGREEMENT

THIS AGREEMENT, effective April 1, 2003, by and between the City of Muskegon, a Michigan municipal corporation, with offices at 933 Terrace St., Muskegon, Michigan 49443 (hereinafter referred to as "City"), and Muskegon Charter Township, a Michigan municipal corporation, with offices at 1990 Apple Avenue, Muskegon, Michigan 49442 (hereinafter referred to as "Township").

WITNESSETH:

WHEREAS, the Township is the owner and operator of four approved slow-pitch softball diamonds located at the corner of Mill Iron Road and Apple Avenue in Muskegon Township, Muskegon County, known as "Softball World;" and,

WHEREAS, the City desires to use Softball World's fields for its recreational summer and fall softball leagues; and,

WHEREAS, the Township desires that the City utilize its softball fields and said parties have negotiated and desire to put their several agreements in writing relating to the operation and management of Softball World,

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, it is agreed as follows:

1. Premises. The Township hereby agrees that the City for the term herein, and subject to the conditions contained herein, shall have the right to use the four softball fields owned by the Township known as "Softball World." During the term of this Agreement, the Township shall have the right to operate and manage the restaurant and bar concessions, or to enter into a concession agreement for the same.

2. Term. The term of this Agreement shall commence April 1, 2003, and continue in full force and effect, subject to its terms and conditions, until November 1, 2005, unless terminated earlier by agreement of both parties.

3. Compensation.

A. City agrees to pay the Township the following compensation for use of the premises:

i. Eight Thousand Five Hundred Dollars (\$8,500), per year (total lease obligation Twenty-five Thousand Five Hundred Dollars (\$25,500)), payable in four equal monthly installments of Two Thousand One Hundred and Twenty Five Dollars (\$2,125), with the first installment due April 1, 2003, and a like amount each three months thereafter, until paid in full. In addition, in the event the electricity bill during any one year period exceeds the sum of Four Thousand Dollars (\$4,000), per year, the City agrees to pay the extra amount over and above said Four Thousand Dollars (\$4,000), in addition to the sum set forth above.

(i) City agrees to provide all field maintenance (field maintenance is defined as the daily maintenance to keep the fields playable such as dragging & lining the fields, and mowing the grass in the playing field) and materials, such as diamond dry, fertilizer, bases, etc. to provide the daily maintenance.

(ii) City agrees to organize and manage the summer and fall recreational softball program to be operated at Softball World, including the assignment of practice fields before the season begins.

(iii) The Township, with the consent of the City, shall have the right to contract with another party for the maintenance of said softball fields, provided, however, that the City shall be responsible for the entire cost thereof.

4. Insurance.

A. City agrees to register all of its softball teams with the Amateur Softball Association and carry the maximum insurance permitted by said organization covering field owners and to name Muskegon Township as co-insured. The above policies of insurance shall be subject to the approval of the Township Attorney as to proper form and the amount of coverage. Copies of such policies shall be delivered to the Township for its records during the term of this agreement.

5. Obligations of Township.

A. To pay all utility bills to said premises, except as otherwise set forth herein.

B. To pay all taxes on said premises, including real and personal taxes, provided that it is determined that such taxes have been legally assessed.

C. To carry, during the duration of this agreement, the following minimum insurance coverages:

(i) General liability insurance (premises and operations coverage):

(a) Bodily injury, comprehensive coverage limits of two million dollars per occurrence.

(b) Property damage limits of two million dollars per occurrence.

(c) Liquor liability insurance acceptable to the State of Michigan.

(ii) Workers disability compensation coverage on all employees of the Township in the required statutory amounts.

(iii) The above policies of insurance shall be subject to the approval of the City Attorney as to proper form and amount of coverage. Copies of such

policies shall be delivered to the City for its records during the term of this agreement.

- (iv) All of the above insurance, except the workers disability compensation insurance, must name the City as an additional insured.

6. Use of Premises.

A. During the term of this agreement, the premises may be used by the City on Monday through Sunday of the weeks from April 1 to November 1. The Township shall have the right to use said premises for the exclusive use of the Township residents upon reasonable notice to the City and at reasonable times. The concession operator shall have the right to use said premises when the City is not using the same with reasonable notice.

B. This agreement is conditioned upon the understanding that the operation of the softball fields from Monday through Sunday of the weeks from April 1 to November 1 will be under the overall supervision of the City, and no portion of the premises may be leased, subleased, or assigned to any other person, firm, or corporation without the express prior written consent of the Township.

7. Conditions of Maintenance of Fields. The City shall maintain the softball fields at an acceptable level and to an acceptable degree. In no event shall the maintenance of said premises fall below the following general standards:

A. A manner equal to or greater than the level of maintenance at other public softball fields.

B. A manner consistent with good maintenance practice.

C. Such other conditions as the parties may mutually agree upon during the term of this agreement.

D. In the event the fields are not maintained in a satisfactory manner to the Township, the Township shall have the right to maintain said fields in a proper manner, and charge the costs of same to the City.

8. Structure of Premises. Except as otherwise provided herein, the Township shall have the exclusive use of all buildings on the premises including but not limited to, the concession stand, maintenance building, and small shed, provided the City shall have use of the maintenance building for storage of equipment and materials.

9. Binding Effect. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

10. Applicable Law. This agreement shall be interpreted under the laws of the State of Michigan.

11. Arbitration of Disputes. In case of any dispute between the parties hereto arising, which cannot be resolved on the terms of this agreement, such dispute shall be settled by binding arbitration between the parties, with the arbitrator having been appointed in accordance with the following procedures:

A. The parties shall meet and attempt to mutually agree upon an arbitrator.

B. Should the parties fail to agree upon an arbitrator, the parties shall each submit two names upon a list of four persons which shall be presented to the then presiding circuit judge for the County of Muskegon, State of Michigan, who shall from that list appoint the arbitrator. The arbitrator's opinion shall be binding and said award may be entered and ordered in any court having requisite jurisdiction.

12. Renewal. If the City intends to enter into negotiations for the renewal of this Lease, City shall give the Township thirty (30) days written notice thereof.

13. Notices. Notices to either party to this agreement shall be sufficient if sent by certified mail, postage prepaid addressed as follows:

To the City: Director of Leisure Services, City Hall, 933 Terrace Street,
Muskegon, MI 49443

To the Township: Supervisor, Muskegon Charter Township, 1990 Apple
Avenue, Muskegon, MI 49442.

CITY OF MUSKEGON

TOWNSHIP OF MUSKEGON, MICHIGAN

By _____

By _____

Steve Warmington, Mayor

P. Don Aley, Supervisor

ATTEST:

Gail A. Kunding, Clerk

2003-18 (g)

LEASE AGREEMENT

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WHEREAS, the City desires to use Softball World's fields for its recreational summer and fall softball leagues; and,

WHEREAS, the Township desires that the City utilize its softball fields and said parties have negotiated and desire to put their several agreements in writing relating to the operation and management of Softball World,

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2. Term. The term of this Agreement shall commence April 1, 2003, and continue in full force and effect, subject to its terms and conditions, until November 1, 2005, unless terminated earlier by agreement of both parties.
3. Compensation.
 - A. City agrees to pay the Township the following compensation for use of the premises:
 - i. Eight Thousand Five Hundred Dollars (\$8,500), per year (total lease obligation Twenty-five Thousand Five Hundred Dollars (\$25,500)), payable in four equal monthly installments of Two Thousand One Hundred and Twenty Five Dollars (\$2,125), with the first installment due April 1, 2003, and a like amount each three months thereafter, until paid in full. In addition, in the event the electricity bill during any one year period exceeds the sum of Four Thousand Dollars (\$4,000), per year, the City agrees to pay the extra amount over and above said Four Thousand Dollars (\$4,000), in addition to the sum set forth above.

(i) City agrees to provide all field maintenance (field maintenance is defined as the daily maintenance to keep the fields playable such as dragging & lining the fields, and mowing the grass in the playing field) and materials, such as diamond dry, fertilizer, bases, etc. to provide the daily maintenance.

(ii) City agrees to organize and manage the summer and fall recreational softball program to be operated at Softball World, including the assignment of practice fields before the season begins.

(iii) The Township, with the consent of the City, shall have the right to contract with another party for the maintenance of said softball fields, provided, however, that the City shall be responsible for the entire cost thereof.

4. Insurance.

A. City agrees to register all of its softball teams with the Amateur Softball Association and carry the maximum insurance permitted by said organization covering field owners and to name Muskegon Township as co-insured. The above policies of insurance shall be subject to the approval of the Township Attorney as to proper form and the amount of coverage. Copies of such policies shall be delivered to the Township for its records during the term of this agreement.

5. Obligations of Township.

- A. To pay all utility bills to said premises, except as otherwise set forth herein.
- B. To pay all taxes on said premises, including real and personal taxes, provided that it is determined that such taxes have been legally assessed.
- C. To carry, during the duration of this agreement, the following minimum insurance coverages:
- (i) General liability insurance (premises and operations coverage):
 - (a) Bodily injury, comprehensive coverage limits of two million dollars per occurrence.
 - (b) Property damage limits of two million dollars per occurrence.
 - (c) Liquor liability insurance acceptable to the State of Michigan.
 - (ii) Workers disability compensation coverage on all employees of the Township in the required statutory amounts.

- (iii) The above policies of insurance shall be subject to the approval of the City Attorney as to proper form and amount of coverage. Copies of such policies shall be delivered to the City for its records during the term of this agreement.
- (iv) All of the above insurance, except the workers disability compensation insurance, must name the City as an additional insured.

6. Use of Premises.

A. During the term of this agreement, the premises may be used by the City on Monday through Sunday of the weeks from April 1 to November 1. The Township shall have the right to use said premises for the exclusive use of the Township residents upon reasonable notice to the City and at reasonable times. The concession operator shall have the right to use said premises when the City is not using the same with reasonable notice.

B. This agreement is conditioned upon the understanding that the operation of the softball fields from Monday through Sunday of the weeks from April 1 to November 1 will be under the overall supervision of the City, and no portion of the premises may be leased, subleased, or assigned to any other person, firm, or corporation without the express prior written consent of the Township.

7. Conditions of Maintenance of Fields. The City shall maintain the softball fields at an acceptable level and to an acceptable degree. In no event shall the maintenance of said premises fall below the following general standards:

A. A manner equal to or greater than the level of maintenance at other public softball fields.

B. A manner consistent with good maintenance practice.

C. Such other conditions as the parties may mutually agree upon during the term of this agreement.

D. In the event the fields are not maintained in a satisfactory manner to the Township, the Township shall have the right to maintain said fields in a proper manner, and charge the costs of same to the City.

8. Structure of Premises. Except as otherwise provided herein, the Township shall have the exclusive use of all buildings on the premises including but not limited to, the concession stand, maintenance building, and small shed, provided the City shall have use of the maintenance building for storage of equipment and materials.

9. Binding Effect. This agreement shall be binding upon the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

10. Applicable Law. This agreement shall be interpreted under the laws of the State of Michigan.

11. Arbitration of Disputes. In case of any dispute between the parties hereto arising, which cannot be resolved on the terms of this agreement, such dispute shall be settled by binding arbitration between the parties, with the arbitrator having been appointed in accordance with the following procedures:

A. The parties shall meet and attempt to mutually agree upon an arbitrator.

B. Should the parties fail to agree upon an arbitrator, the parties shall each submit two names upon a list of four persons which shall be presented to the then presiding circuit judge for the County of Muskegon, State of Michigan, who shall from that list appoint the arbitrator. The arbitrator's opinion shall be binding and said award may be entered and ordered in any court having requisite jurisdiction.

12. Renewal. If the City intends to enter into negotiations for the renewal of this Lease, City shall give the Township thirty (30) days written notice thereof.

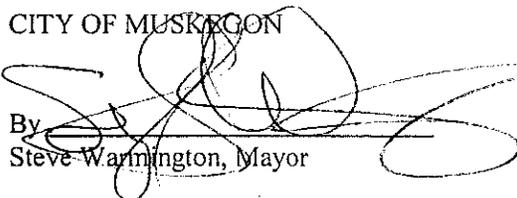
13. Notices. Notices to either party to this agreement shall be sufficient if sent by certified mail, postage prepaid addressed as follows:

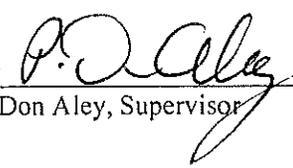
To the City: Director of Leisure Services, City Hall, 933 Terrace Street, Muskegon, MI 49443

To the Township: Supervisor, Muskegon Charter Township, 1990 Apple Avenue, Muskegon, MI 49442.

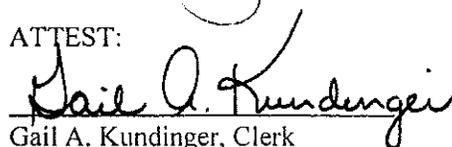
CITY OF MUSKEGON

TOWNSHIP OF MUSKEGON, MICHIGAN

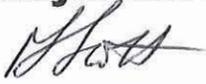
By  Steve Warrington, Mayor

By  P. Don Aley, Supervisor

ATTEST:


Gail A. Kunding, Clerk

2003-18 h)

Date: Tuesday, February 18, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Port-o-Jon Bids

SUMMARY OF REQUEST:

To award a contract to Fresh Start for the 2003 Port-o-Jons for various city parks

FINANCIAL IMPACT:

Approximately \$12,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

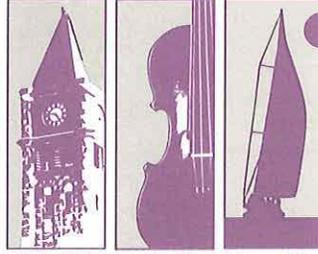
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: Tuesday, February 18, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Port o Jon bids

Two bids have been received for providing port-o-jons at various city facilities for the summer months. In 2002, almost \$12,000 was spent on port-o-jons.

Fresh Start bid a price of \$62/unit for the various facilities and has been the provider for the past several years. Jons To Go bid \$70 /unit.

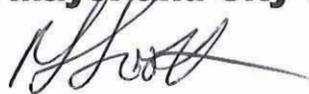
I am requesting that you award the contract to Fresh Start to provide Port-o-Jons for 2003.

Thank you for your consideration.

**PORT-JON BIDS
BID PROPOSAL
FEBRUARY 11,2003**

ITEM	FRESH START PO BOX 4420 MUSKEGON, MI 49444	JONS TO GO 2675 E. STERNBERG MUSKEGON, MI 49444
SCHEDULE OF PRICE	\$62/UNIT	\$70/UNIT

2003-18 i)

Date: Tuesday, February 18, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Seyferth In-Line Rink Surfacing

SUMMARY OF REQUEST:

To award a contract to Sports Court to provide surfacing for the in-line skating rink at Seyferth Park

FINANCIAL IMPACT:

\$24,120

BUDGET ACTION REQUIRED:

None, the funding is through the Community Foundation for Muskegon County, the Thomas and Geraldine Seyferth Fund

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

Income Tax
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FAX/724-6768

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

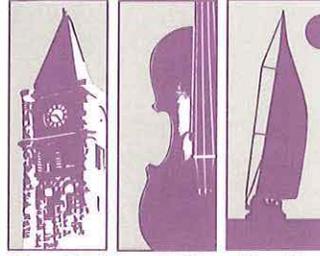
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: Tuesday, February 18, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Seyferth Park In-line Rink Resurfacing

The in-line hockey rink at Seyferth park is uneven and needs surfacing. Staff has been able to find only one source for a surface that can handle water, provide a smooth surface, and that can have an ice rink made over the top of it. Sport Court is the sole source provider of that surface in Western Michigan. Sports Court is located at:

470 Market Ave. SW
Grand Rapids, MI 49503

The Thomas and Geraldine Fund of the Community Foundation for Muskegon County has awarded the City \$25,000 to pay for the surface. The bid from Sports Court is \$24,120.

I would ask that you award the contract to Sports Court to supply and install the new surfacing for \$24,120.

Thank you for your consideration.

2003-18-3)

Commission Meeting Date: February 25, 2003

Date: February 17, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
**RE: Smartzone Agreement Between the City and
Community Foundation**

SUMMARY OF REQUEST: The Community Foundation for Muskegon County has agreed to assist the City of Muskegon with the Smartzone project in the event funds are insufficient to finance the Local Development Finance Authority bond repayments for the Smartzone building. The "Agreement" is attached. In the Agreement, the Community Foundation agrees to share in the debt obligation for the bonds, in the event tax increment revenues are insufficient to cover the bond payment. The amount of their contribution will not exceed \$75,000 annually. The terms of the Agreement shall not commence until June 1, 2006 and such obligation will terminate December 31, 2016.

FINANCIAL IMPACT: May positively effect the City if tax increment revenues are insufficient to make bond repayments in any given year.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Agreement between the Community Foundation for Muskegon County and the City of Muskegon and authorize the Mayor to sign.

COMMITTEE RECOMMENDATION: None.

AGREEMENT

AGREEMENT made this 14 day of February, 2003 between the City of Muskegon ("Muskegon") and Community Foundation for Muskegon County ("Foundation") with reference to the following:

- A. Muskegon has agreed to construct a building in the "Smartzone" for Grand Valley State University.
- B. The local development finance authority (City of Muskegon) has issued tax exempt bonds to finance the construction of such building with proceeds from tax increment revenues within the Smartzone district to pay for such tax exempt bonds.
- C. Muskegon has financial projections showing the first payment from tax increment revenues on such bonds will be due May 1, 2006 with the bond issue continuing until November 1, 2025.
- D. In the event the tax increment revenue generated by the Smartzone development is insufficient to cover the bond debt Muskegon must pay such deficiency from its general fund.
- E. Muskegon has asked the Foundation, and other community institutions, for monies to protect Muskegon's general fund by participating with Muskegon in the bond repayment.
- F. The Foundation recognizes the importance of the "Smart Zone" project in the City and County of Muskegon.

NOW THEREFORE, it is agreed that in the event tax increment revenues are insufficient in any year to cover the debt obligation of Muskegon on the bonds the Foundation will contribute an amount not to exceed \$75,000 annually to cover the annual debt obligations on such bonds. Such contribution by the Foundation shall be on a dollar for dollar basis with Muskegon. For example, if the deficiency in year 2007 is \$50,000 the Foundation will contribute \$25,000 and Muskegon will contribute \$25,000. Payment by the Foundation shall be made on or before thirty (30) days of the bond payment date.

In the event other community institutions agree to participate with the Foundation and Muskegon to cover a portion of the bond debt, the Foundation and any other such institution will be called upon in equal priority to share such deficiency on a dollar for dollar basis up to but not to exceed each institutions obligation to contribute. For example, the Foundation's obligation to contribute is an amount not to exceed \$75,000, organization A's obligation to contribute is not to exceed \$20,000 and the deficiency between the tax revenue and the bond obligation in year 2007 is \$100,000. Organization A shall contribute \$20,000 the Foundation shall contribute \$40,000 and Muskegon shall contribute \$40,000. In the event the deficiency is \$54,000 the

Foundation will contribute \$18,000, Muskegon will contribute \$18,000 and organization A will contribute \$18,000.

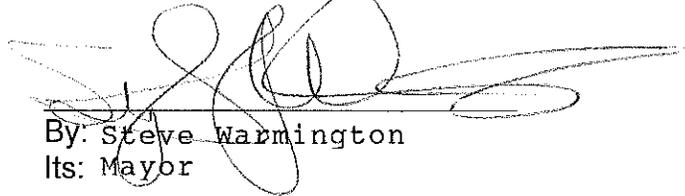
In the event the tax increment revenue in any year exceeds the debt service for such year such excess shall be divided equally between the Foundation, Muskegon and organization A provided, however, the Foundation and organization A shall not receive an amount in excess of their cumulative contribution.

As of the date hereof the Foundation and Muskegon are the only signatory's to this Agreement. In the event a third party contributor signs a facsimile of this Agreement such facsimile shall be binding on all parties.

The obligation of the Foundation pursuant to the terms of this Agreement shall not commence until June 1, 2006 and such obligation will terminate December 31, 2016.

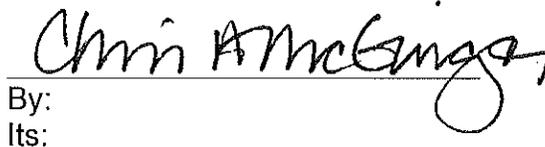
Muskegon shall provide the Foundation an annual accounting of the tax increment revenues for each year this Agreement is in effect.

CITY OF MUSKEGON



By: Steve Warmington
Its: Mayor

COMMUNITY FOUNDATION FOR
MUSKEGON COUNTY



By:
Its:

2003-18 K)

Commission Meeting Date: February 25, 2003

Date: February 17, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
RE: City's Application for Seawall Permit- Smartzone

SUMMARY OF REQUEST: The City of Muskegon has obtained a grant, the Core Communities Fund, from the Michigan Economic Development Corporation, to construct a seawall and boardwalk on the Smartzone/Edison Landing site. Although the owner of the property, Lakefront LLC, will be providing project oversight, they have requested that the City apply for the actual permit (since the City grant funding is financing the project). In addition, the City has been provided with a letter from Lakefront LLC agreeing to various conditions in regards to the City being held harmless, and outlining procedures for payment.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the staff recommendation to apply for a seawall permit for the Smartzone/Edison Landing site, and to authorize the City Manager to sign the permit application.

**Lakefront Development, LLC**

175 W. Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan ■ 49443-0786
Phone 231.722.1821 ■ Fax 231.722.7888 or 728.2206

February 12, 2003

Mr. Bryon Mazade
City Manager
Muskegon City Hall
933 Terrace Street
Muskegon, MI 49442

*Re: Edison Landing
Seawall Permit Application
Expense Reimbursements*

Dear Mr. Mazade:

As you know, we have requested the City of Muskegon ("City") to submit an application to the Michigan Department of Environmental Quality ("MDEQ") and the Army Corps of Engineers ("ACOE") for the construction of a seawall along the north and east side of Edison Landing. You have indicated that the City would be interested in making such an application on the condition that Lakefront Development, LLC ("Lakefront") makes certain assurances to the City. This letter will provide those assurances.

- 1. Design and Permit Application.** Lakefront shall be responsible for the design and preparation of the appropriate applications to the MDEQ and ACOE for the construction of the seawall and related shoreline improvements.
- 2. Responsibility for Construction.** Lakefront will be solely responsible to the construction of the seawall and related shoreline improvements as permitted by the MDEQ and ACOE. Lakefront will have the benefit of the Core Communities Grant, which will be administered by Lakefront in accordance with the Property Transfer Agreement dated September 24, 2002.
- 3. Assignment of Permit.** Once issued by the MDEQ and ACOE, the City shall assign the permits to Lakefront and Lakefront shall accept such assignment and assume full responsibility for performance of the permitted activities and compliance with the permit and all rules and regulations of MDEQ and ACOE. In the event the MDEQ or ACOE prevents the assignment from the City to Lakefront, Lakefront shall construct the permitted improvements, hold the City harmless and indemnify the City for any liability in connection therewith.

If there are any additional assurances required, please advise. If this is acceptable, let me know and I will instruct Mike Hayes to stop by and pick up the signed applications.

Members John M. Briggs, III ■ Anna Urick Duggins ■ W. Brad Groom ■ G. Thomas Johnson ■ George W. Johnson
Linda S. Kaare ■ Christopher L. Kelly ■ Scott M. Knowlton ■ Keith L. McEvoy ■ William J. Meier
Michael L. Rolf ■ James R. Scheuerle ■ John C. Schrier ■ Scott R. Sewick ■ Philip M. Stoffan

With regard to expense reimbursements, Cathy and I have had several discussions on a proper and efficient method of approval by the City. We came up with a plan by which Lakefront identifies a scope of work for a portion of the project with a list of parties who would be performing services. The scope of work will be submitted to Cathy for her review and approval. Once approved by Cathy (and whoever Cathy thinks is appropriate at City Hall), Lakefront will submit invoices for payment by the City.

At this time, the only activity for which Lakefront will be requesting reimbursement is for the **design and permitting** for the seawall and related activities. The following is the Scope of Work for that activity.

1. **Design.** Driesenga and Associates and J.F. New and Associates (fka Resource Management) will be working on the design issues, including surveys (land and water), elevations and engineering specifications. Both firms will bill Lakefront on an hourly basis and will invoices will be limited to the design of the seawall.

2. **Permitting Activities.** Driesenga, J.F. New and Tom Joiner will be working with Lakefront to prepare the application for the seawall and work with the MDEQ and ACOE to approval. They will bill on an hourly basis.

3. **Contract Review.** Prior to the execution of any contracts by Lakefront LLC for services for which Lakefront expects reimbursement from the City, Lakefront LLC will forward a copy of such contract to the City Director of Planning and Economic Development for review.

At this time, we are not submitting any other scope of work for which Lakefront will be looking for reimbursement.

Please review this letter and advise if it is acceptable to the City and we will proceed accordingly.

If you have any questions, please call.

Very truly yours,



Christopher L. Kelly

Direct Dial: 231-722-5414

Fax: 231-722-7866

Email: clk@parmenterlaw.com

c. Lakefront Members
Cathy Brubaker Clarke
Mohammed Al-Shatel

Members John M. Briggs, III • Anna Urick Duggins • W. Brad Groom • G. Thomas Johnson • George W. Johnson
Linda S. Keare • Christopher L. Kelly • Scott M. Knowlton • Keith L. McEvoy • William J. Meier
Michael L. Rolf • James R. Scheuerle • John C. Schrier • Scott R. Sewick • Phillip M. Stoffan

U3 Army Corps of Engineers (USACE)

Michigan Department of Environmental Quality (MDEQ)

DEQ

AGENCY USE	Previous USACE Permit or File Number	Date Received	Land and Water Management Division, MDEQ File Number		AGENCY USE
	USACE File Number		Marina Operating Permit Number		
			Fee received \$		

Print in black or blue ink and complete all items in Sections 1 through 9 and those items in Sections 10 through 21 that apply to your proposed project.

1 PROJECT LOCATION INFORMATION

Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s).

Address Western/ Terrace Avenue		Township Name(s)	Township(s) 10N	Range(s) 16W	Section(s) 19
City/Village Muskegon	County(ies) Muskegon	Property Tax Identification Number(s) 24-205-554-0001-00			
Name of Waterbody Muskegon Lake	Project Name or Job Number Shoreline Dr./ Lakefront Development	Subdivision/Plat n/a	Lot Number n/a	Private Claim n/a	
Project types (check all that apply)	<input type="checkbox"/> private <input type="checkbox"/> building addition <input type="checkbox"/> other (explain)	<input checked="" type="checkbox"/> public/government <input checked="" type="checkbox"/> new building or structure	<input type="checkbox"/> industrial <input type="checkbox"/> building renovation or restoration	<input type="checkbox"/> commercial <input type="checkbox"/> river restoration	<input type="checkbox"/> multi-family <input type="checkbox"/> single-family
The proposed project is on, within, or involves (check all that apply)					
<input type="checkbox"/> a stream	<input type="checkbox"/> a pond (less than 5 acres)	<input checked="" type="checkbox"/> a Great Lake or Section 10 Waters	<input type="checkbox"/> a natural river		
<input type="checkbox"/> a river	<input type="checkbox"/> a channel/canal	<input type="checkbox"/> a designated high risk erosion area	<input type="checkbox"/> a dam	<input type="checkbox"/> a structure removal	
<input type="checkbox"/> a ditch or drain	<input checked="" type="checkbox"/> an inland lake (more than 5 acres)	<input type="checkbox"/> a designated critical dune area	<input checked="" type="checkbox"/> a wetland	<input type="checkbox"/> a utility crossing	
<input type="checkbox"/> a floodway area	<input type="checkbox"/> a 100-year floodplain	<input type="checkbox"/> a designated environmental area	<input checked="" type="checkbox"/> 500 feet of an existing waterbody		

2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, AND THE CONSTRUCTION SEQUENCE AND METHODS

Attach separate sheets, as needed, including necessary drawings, sketches, or plans.

See Attachments

3 APPLICANT, AGENT/CONTRACTOR, AND PROPERTY OWNER INFORMATION

The applicant can be either the property owner or the person or company that proposes to undertake the activity.
If the applicant is a corporation, both the corporation and its owner must provide a written document authorizing the agent/contractor to act on their behalf.

Applicant (individual or corporate name) City of Muskegon			Agent/Contractor (firm name and contact person) JFNew (formerly Resource Management Group)		
Mailing Address 933 Terrace Street			Address P.O. Box 487		
City Muskegon	State MI	Zip Code 49443	City Grand Haven	State MI	Zip Code 49417
Daytime Telephone Number with Area Code Please contact agent			Daytime Telephone Number with Area Code (616) 847-1680		
Fax Please contact agent			Fax (616) 847-9970		
E-mail Please contact agent			E-mail mikeh@natureconsult.com		
Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If No, provide a letter signed by the property owner authorizing the agent/contractor to act on his or her behalf or a copy of easements or right-of-ways. If multiple owners, please attach all property owners' names, mailing addresses, and telephone numbers.)					
Property Owner's Name (if different from applicant) Lakefront Development, LLC			Mailing Address 175 W. Apple		
Daytime Telephone Number with Area Code Please call agent, Michael Hayes, JFNew			City Muskegon	State MI	Zip Code 49443-0786

4 PROPOSED PROJECT PURPOSE, INTENDED USE, AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)

The purpose must include any new development or expansion of an existing land use.
Include a description of alternatives considered to avoid or minimize resource impacts. Include factors such as, but not limited to, alternative construction technologies; alternative project layout and design; alternative locations; local land use regulations and infrastructure; and pertinent environmental and resource issues.
For utility crossings, include both alternative routes and alternative construction methods.

See Attachments

5 LOCATING YOUR PROJECT SITE

- Provide the requested information listed below that will help staff in locating your project site.
- Attach a copy of a map, such as a plat, county, or USGS topographic map, clearly showing the site location and include an arrow indicating the north direction.

Is there an access road to the project? No Yes (If Yes, type of road, check all that apply) private public improved unimproved

Name of roads at closest main intersection **Business Route 31 and Eastern Ave.**

Directions from main intersection **From Apple Ave, west to BR31, north on BR31 to Eastern, west on Eastern to Western, north on Western one block to entrance on west side of road.**

Style of house or other building on site ranch 2-story cape cod bi-level cottage/cabin pole barn none other (describe)

Color Color of adjacent property house and/or buildings

House number Address is visible on house garage mailbox sign other

Street name Fire lane number Lot number

How can your site be identified if there is no visible address? **Old industrial site with fenced boundaries.**

Provide directions to the project site, with distances from the best and nearest visible landmark and waterbody

Does project cross boundaries of two or more political jurisdictions? (City/Township, Township/Township, County/County, etc.)

No Yes (if Yes, list jurisdiction names.)

6 List all other federal, interstate, state, or local agencies authorizations required for the proposed activity, including all approvals or denials received.

Agency	Type approval	Identification number	Date applied	Date approved / denied	If denied, reason for denial
MDEQ	Part 301, 303	01-61-0048-P	6/22/01	2/27/02 modified: 9/5/02	

7 If a permit is issued, date activity will commence (M/D/Y) ASAP

Has any construction activity commenced or been completed in a regulated area? No Yes

If Yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s) (M/D/Y)

Proposed completion date (M/D/Y) ASAP

Were the regulated activities conducted under a MDEQ permit?

No Yes

If Yes, list the MDEQ permit number

Are you aware of any unresolved violations of environmental law or litigation involving the property? No Yes (if Yes, please explain)

8 PUBLIC NOTIFICATION (Attach additional sheets if necessary)

- Complete information for all adjacent and impacted property owners and the lake association or established lake board including the contact person's name.
- If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.

Property Owner's Name	Mailing Address	City	State	Zip Code
Terrace partners LLC	74 E. Long Lake Rd	Bloomfield Hills	MI	48304
Dudley Corporation	2920 Business One Dr	Kalamazoo	MI	49001
Westwood Management Associates	900 Third St	Muskegon	MI	49440
Muskegon Rag and Metal Company	PO Box 146	Muskegon	MI	49443
Name of <input type="checkbox"/> Established Lake Board <input type="checkbox"/> or Lake Association and the Contact Person's Name	Mailing Address	City	State	Zip Code
	Telephone Number			

9 APPLICANT'S CERTIFICATION

READ CAREFULLY BEFORE SIGNING

I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, that it is true and accurate, and, to the best of my knowledge, is in compliance with the State Coastal Zone Management Program and the National Flood Insurance Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the MDEQ and the USACE to enter upon said property in order to inspect the proposed activity site and the completed project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.

- All applicants must complete all the items in Sections 1 through 9 on pages 1 and 2 of this application.
- Complete those items in Sections 10 through 21 that apply to your project. It is necessary to submit only those pages where you have provided information.
- Please list here the application page numbers being submitted and a brief description of other attachments included with your application.

- Property Owner
- Agent/Contractor
- Corporation - Title

Printed Name **Bryon Mazade, City of Muskegon**

Signature

Date **10/2/03**

10 PROJECTS IMPACTING WETLANDS OR FLOODPLAINS OR LOCATED ON AN INLAND LAKE OR STREAM OR A GREAT LAKE

- Check boxes A through N that may be applicable to your project and provide the requested information.
- If your project may affect wetlands, also complete Section 12. If your project may impact regulated floodplains, also complete Section 13.
- Provide an overall site plan showing existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures, land change activities and soil erosion and sedimentation control measures. Please review sample drawings for guidance in completing site-specific drawings for your project.
- On a Great Lake use IGLD 85 surveyed converted from observed still water elevation. On inland waters, NGVD 29 local datum other

A. PROJECTS REQUIRING FILL (See All Sample Drawings)

- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27.
- Attach both plan and cross-section views to scale showing maximum and average fill dimensions.

(Check all that apply) floodplain fill wetland fill riprap seawall, bulkhead, or revetment bridge or culvert
 boat launch off-shore swim area beach sanding boatwell crib dock other

Fill dimensions (ft) Length **See Attachments/graphics** width **See Attachments** maximum depth **See Attachments**
 Fill volume (cu yd) **See Attachments** Maximum water depth in fill area (ft) **See Attachments/graphics**

Type of clean fill pea stone sand gravel wood chips other Will filter fabric be used under proposed fill? No Yes (If Yes, type)

Source of clean fill on-site, If on-site, show location on site plan commercial other, If other, attach description of location

Fill will extend (see attached graphics) feet into the water from the shoreline and upland (see attached graphics) feet out of the water.

B. PROJECTS REQUIRING DREDGING OR EXCAVATION (See All Sample Drawings)

- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27.
- Attach both plan and cross-section views to scale showing maximum and average dredge or excavation dimensions.
- The applicant will be notified if sediment sampling will be required.

(Check all that apply) floodplain excavation wetland dredge or draining seawall, bulkhead, or revetment
 navigation boat well boat launch other

Dredge volume (cu yd) **Upland: 857 CYDS Bottomland: 666 CYDS** Method and equipment for dredging **Mechanical**

Has proposed dredge material been tested for contaminants? No Yes (If Yes, attach testing results)

Has this same area been previously dredged? No Yes (If Yes, provide date and permit number, if available) (M/D/Y)
 If Yes, are you proposing to enlarge the previously dredged area No Yes

Is long-term maintenance dredging planned? No Yes (If Yes, when and how much?)

C. PROJECTS REQUIRING RIPRAP (See Sample Drawings 2, 3, 8, 12, 14, 17, 22, and 23. Others may apply)

Riprap waterward of the shoreline OR ordinary high water mark
 Dimensions (ft) length **1144** width **10.25** depth **1.5** Volume (cu yd) **652**

Riprap landward of the shoreline OR ordinary high water mark
 Dimensions (ft) length **1144** width **12.75** depth **1.5** Volume (cu yd) **810**

Type of riprap field stone angular rock other

Will filter fabric be used under proposed riprap? No Yes (If Yes, type) **Non-woven geotextile**

D. SHORE PROTECTION PROJECTS (See Sample Drawings 2, 3, and 17)

(check all that apply) riprap seawall/bulkhead revetment

E. DOCK - PIER - MOORING PILINGS (See Sample Drawing 10)

Type open pile filled crib Seasonal structure? No Yes

Proposed structure dimensions (ft) length width Dimensions of nearest adjacent structures (ft) length width

F. BOAT WELL (No Sample Drawing available)

Type of bank stabilization wood steel concrete vinyl riprap other

Boat well dimensions (ft) Length width depth Number of boats

Volume of backfill behind sidewall stabilization (cu yd) Distances of boat well from adjacent property lines (ft)

G. BOAT LAUNCH (No Sample Drawing available)

(check all that apply) new existing public private commercial Type of material concrete wood stone other

Overall boat launch dimensions (ft) Length width depth Boat launch dimensions (ft) below ordinary high water mark length width depth

Distances of launch from both property lines (ft) Number of skid piers Skid pier dimensions (ft) width length

H. BOAT HOIST (No Sample Drawing available)

(Check all that apply) seasonal permanent cradle side lifter other located on seawall dock bottomlands

I. BOARDWALKS AND DECKS IN WETLANDS OR FLOODPLAINS (See Sample Drawings 5 and 6)

(Check all that apply) boardwalk deck wetlands floodplain Boardwalk or deck is on fill piling

10 Continued - PROJECTS IMPACTING WETLANDS OR FLOODPLAINS OR LOCATED ON AN INLAND LAKE OR STREAM OR A GREAT LAKE

J. INTAKE PIPES (See Sample Drawing 16) **OUTLET PIPES** (See Sample Drawing 22)

Type headwall end section pipe other

Dimensions of headwall OR end section (ft)
length width depth

Number of pipes Pipe diameters and invert elevations

If outlet pipe, discharge is to wetland inland lake
 stream, drain, or river Great Lake other

K. MOORING AND NAVIGATION BUOYS (No Sample Drawing available)

- Provide an overall site plan showing the distances between each buoy, distances from the shore to each buoy, and depth of water at each buoy in feet.
- Provide cross-section drawing(s) showing anchoring system(s) and dimensions.

Number of buoys Type of anchor system Purpose of buoy
 mooring navigation

Dimensions of buoys (ft)
width height Do you own the property along the shoreline? No Yes
(If No, you must provide an authorization letter from the property owner(s))

L. GROINS (No Sample Drawing available)

- Provide an overall site plan showing the distances (ft) of the outermost groins from the property lines, distances between groins, length and width of each groin, and the distance from the existing toe of the bluff to the lakeward end of the groins.
- If existing groins are located on adjacent properties, provide distances (ft) from closest neighboring groin to your property lines on the site plan.
- Provide cross-section views showing the length and height of each groin and the height of groin ends above the observed water level (date and time). If step down type, show the height of each section above the observed water level.

Number of groins Type of groin Will groin be placed on a foundation? No Yes (If Yes, dimensions of foundation (ft)) length width height
 steel wood other

M. FENCES IN WETLANDS, STREAMS, OR FLOODPLAINS (No Sample Drawing available)

- Provide an overall site plan showing the proposed fencing through wetlands, streams, or floodplains.
- Provide drawing of fence profile showing the design, dimension, post spacing, board spacing, and distance from ground to bottom of fence (if in a floodplain).

(check all that apply) Total length (ft) of fence through Fence height (ft) Fence type and material
 wetlands streams floodplains wetlands streams floodplains

N. OTHER - e.g., structure removal, marine railway, low sand trap wall, breakwater, and structural foundations in wetlands or floodplains

11 CONSTRUCTION OF A NEW LAKE OR POND (See Sample Drawings 4 and 15)

Which best describes your proposed waterbody use (check all that apply)
 wildlife stormwater retention basin stormwater detention basin recreation wastewater basin other

Water source for lake/pond
 groundwater natural springs Inland Lake or Stream stormwater runoff pump sewage other

Will project involve construction of a dam, dike, outlet control structure, or spillway? No Yes (If Yes, complete Section 17)

12 ACTIVITIES THAT MAY IMPACT WETLANDS

- For information on the MDEQ's Wetland Assessment Program, please visit the LWMD website or call 517-241-8485.

(check all that apply) fill (Section 10A) dredge or excavation (Section 10B) boardwalk or deck (Section 10I)
 fences (Section 10M) bridges and culverts (Section 14) draining surface water other

Has a professional wetland delineation been conducted for this parcel? No Yes (If Yes, please provide a copy; if federal method was used, supply data sheets) Applicant purchased property
 before OR after October 1, 1980.

Has the MDEQ conducted a wetland assessment for this parcel? No Yes (If Yes, please provide a copy)

Describe the wetland impacts, proposed use or development, and efforts to avoid/minimize impacts.

Wetland fill is proposed in compliance with MDEQ-approved Remedial Action Plan to cap this contaminated site

Is any grading or mechanized land clearing proposed? No Yes (If Yes, please show locations on site plan) Has any of the proposed grading or mechanized land clearing been completed?
 No Yes (If Yes, please label and show locations on site plan)

- Complete the wetland dredge and wetland fill dimension information for each impacted wetland area. Attach additional sheets if necessary and label the impacted wetland areas on a site plan drawn to scale. Please attach at least one typical cross-section for each wetland dredge and/or fill area. (See Sample Drawings 8 & 9)
- Also complete Section 10A for fill and Section 10B for dredge or excavation activities.
- If dredge material will be disposed of on site, please show the location on site plan in an upland area and include soil erosion and sedimentation control measures.

Wetland dredge dimensions	maximum length (ft)	maximum width (ft)	dredge area <input type="checkbox"/> acres <input type="checkbox"/> sq ft	average depth (ft)	dredge volume(cu yd)
Wetland fill dimensions	maximum length (ft)	maximum width (ft)	fill area 0.56 <input checked="" type="checkbox"/> acres <input type="checkbox"/> sq ft	average depth (ft)	fill volume(cu yd)
Total wetland dredge area <input type="checkbox"/> acres <input type="checkbox"/> sq ft			Total wetland dredge volume (cu yd)		
Total wetland fill area 0.56 <input checked="" type="checkbox"/> acres <input type="checkbox"/> sq ft			Total wetland fill volume (cu yd)		
			2,240		

The proposed project will be serviced by public sewer private septic system (If septic system, show existing and new or expanded system on plans) If septic system, has application been made to the County Health Department for a permit? No Yes If Yes, has permit been issued?
 No Yes (If Yes, provide copy)

13 FLOODPLAIN ACTIVITIES (See Sample Drawing 5. Others may apply)

- Please attach additional sheets with the requested information when multiple floodplain activities are included in this application.

(check all that apply) fill dredge wetland impacts other **not regulated under Part 31- see attached letter.**

Site is _____ feet above ordinary high water mark (OHWM) OR observed water level . Date of observation _____ (M/D/Y)

Fill volume below the 100-year floodplain elevation (cu yd)

Compensating cut volume below the 100-year floodplain elevation (cu yd)

14 BRIDGES AND CULVERTS (Including Foot and Cart Bridges)

- Provide detailed site-specific drawings of existing and proposed *Plan View* (Sample Drawing 14A), *Elevation View* (Sample Drawing 14B), *Stream and Floodplain Cross-Section* (Sample Drawing 14C), *Stream Profile* (Sample Drawing 14D) and *Floodplain Fill* (Sample Drawing 5) at a scale adequate for detailed review.
- Provide the requested information that applies to your project. If there is not an existing structure, leave the "Existing" column blank.
- If you choose to have a Licensed Professional Engineer "certify" that your project will not cause a "harmful interference" for a range of flood discharges up to and including the 100-year flood discharge then you must use the "Required Certification Language". A copy is available on our website under "Permit Application" or you may request a copy by phone, email, or mail. A hydraulic report supporting this certification may also be required.
- Please attach additional sheets with the requested information when multiple crossings are included in this application.

	Existing	Proposed		Existing	Proposed
Culvert type (box, circular, arch) and material (corrugated metal, timber, concrete, etc.)			Bridge span (length perpendicular to stream) OR culvert <input type="checkbox"/> width <input type="checkbox"/> diameter (ft)		
Bridge type (concrete box beam, timber, concrete I-beam, etc.)			Bridge width (parallel to stream) OR culvert length (ft)		
Entrance design (projecting, mitered, wingwalls, etc.)			Bridge rise (from bottom of beam to streambed) OR Culvert rise (from top of culvert to streambed) (ft)		
Total structure waterway opening above streambed (sq ft)					
<input type="checkbox"/> elevation of culvert crown <input type="checkbox"/> bottom of bridge beam (ft)	Upstream		Higher elevation of <input type="checkbox"/> culvert invert OR <input type="checkbox"/> streambed within culvert (ft)	Upstream	
	Downstream			Downstream	
Elevation of road grade at structure (ft)			Distance from low point of road to mid-point of bridge crossing (ft)		
Elevation of low point in road (ft)					

Cross-sectional area of primary channel (sq ft)
 (See Sample Drawing 14C)

Average stream width at OHWM outside the influence of the structure (ft) upstream downstream

Reference datum used (show on plans with description) NGVD 29 IGLD 85 (Great Lakes coastal areas) local

High water elevation – describe reference point and highest known water level above or below reference point and date of observation.

15 STREAM, RIVER, OR DRAIN CONSTRUCTION ACTIVITIES (No sample drawing available)

- Complete Section 10A for fill, Section 10B for dredge or excavation, and Section 10C for riprap activities.
- If side casting or other proposed activities will impact wetlands or floodplains, complete Sections 12 and 13, respectively.
- Provide an overall site plan showing existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures and land change activities. Provide cross-section (elevation) drawings necessary to clearly show existing and proposed conditions. Be sure to indicate drawing scales.
- For activities on legally established county drains, provide original design and proposed dimensions and elevations.

(check all that apply) maintenance improvement relocation enclosure new drain wetlands other

Dimensions (ft) of existing stream/drain channel to be worked on. Length width depth

Dimensions (ft) of new, relocated, or enclosed stream/drain channel. Length width depth

Existing channel average water depth in a normal year (ft) Proposed side slopes (vertical / horizontal)

How will slopes and bottom be stabilized?

Will old/enclosed stream channel be backfilled to top of bank grade? No Yes

If an enclosed structure is proposed, check type? concrete corrugated metal plastic other

Will spoils be disposed of on site? No Yes (If Yes, show location of spoils on site plan in an upland area.)

Reference datum used (show on plans with description) NGVD 29 IGLD 85 (Great Lakes coastal areas) local

Reference datum used (show on plans with description) NGVD 29 IGLD 85 (Great Lakes coastal areas) local

ATTACHMENT A

Additional Comments-Application (see corresponding Section numbers)

2. Describe Project and Associated Activities

- Construct 1590 linear ft. of steel seawall (including two 50-foot returns) for shoreline stabilization. Seawall to be placed immediately lakeward of existing, deteriorating wall in most places (see graphics).
- Excavate 857 cubic yards of upland material (to create new bottomland), and 666 cubic yards of material below the ordinary high water mark (for navigation) for a total of 1523 cubic yards of material (to be used on site as part of backfill).
- Place 3400 cubic yards of material (dredge spoils and clean fill from a commercial source) behind proposed seawall as backfill.
- Install 750 linear ft. (30 cubic yards) of riprap lakeward of the proposed seawall as toe stone to enhance habitat.
- Place 1144 linear ft. (1462 cubic yards) of riprap along eastern shoreline of site for shoreline stabilization and containment and place 2240 cubic yards of clean fill from a commercial source in 0.56 acres of existing wetland to complete MDEQ approved Remedial Action Plan for site

Describe Construction sequence and method.

Seawall will be installed directly waterward of existing seawall along most of its length. The project purpose includes removing 3 existing, 90-degree angles. In these places, cuts through the existing wall at the lakeward point would be made and the proposed wall installed landward of the existing wall at this location. Following installation, the walls would be backfilled using material mechanically excavated from the lakeward cut and capped with material from a commercial source, consistent with requirements established under the Remedial Action Plan.

The eastern portion of the site's shoreline will be modified and recontoured consistent with the Remedial Action Plan. Silt fence will be installed along the ordinary high water mark, and fill used to cap the site will be contoured as illustrated by the enclosed drawings. Riprap on non-woven geotextile fabric will be installed along the shoreline at a 2 to 1 profile.

4. Proposed Project Purpose

The project purpose is to repair a deteriorating seawall and otherwise stabilize the existing shoreline to facilitate containment of hazardous material on this brownfield redevelopment site.

The proposed shoreline stabilization and fill are in response to ongoing clean-up activities at this site. These activities are consistent with the Remedial Action Plan developed through MDEQ's Remediation and Redevelopment Division. This proposal addresses the reuse of this property under the already-approved Planned Unit Development by the city of Muskegon

Installation of the new seawall replaces the existing seawall that is structurally unsound. The new seawall and shoreline stabilization is meant to contain the proposed fill necessary to cap the site, and is part of the remediation efforts funded for this property.

The proposed orientation of the new seawall straightens the shoreline and removes 3 existing, 90-degree angles at the shoreline. The existing right angles act as debris catchment zones, are more susceptible to wave action, and are vulnerable to winter ice pressure, increasing maintenance costs to the public. The new shoreline will also facilitate the proposed boardwalk and public access.

Intended Use

This site is part of Muskegon's SmartZone redevelopment and includes areas for office space, retail outlets, residential housing, and public use, including open space and access to the waterfront using a community boardwalk. Earlier phases, already permitted, have allowed for the realignment of Shoreline Drive and associated bike trail, as well as the development of the Muskegon Technology Center, to be operated by Grand Valley State University.

The proposed shoreline stabilization is intended to complete the reclamation of the site under the Remedial Action Plan

Alternatives Considered

Project design must address the Remedial Action Plan and provide for capping the site with clean fill up to or above the elevation 584.8 NGVD (See MDEQ correspondence from Gerald Fulcher, Attachment B). Finished contours are proposed at 585.0 NGVD.

Extending the seawall throughout the entire shoreline was considered but abandoned in favor of limiting its use to the western half of the property where most of the area is already contained by seawall. Riprap was proposed for the remaining eastern length of shoreline. Toe stone has also been proposed along the shoreline in front of the seawall as habitat for benthic organisms.

10. Projects Impacting Wetlands

(A) Projects Requiring Fill

Wetland Fill: This proposal includes 0.56 acres of unavoidable wetland impact to provide the appropriate cap as required under the Remedial Action Plan. This includes 1417 cubic yards of clean fill from a commercial source and 823 cubic yards of riprap (see Section 11C for total riprap volumes) for a total of 2240 cubic yards of fill in a wetland. See attached graphics for details.

Seawall Backfill: Fill areas are irregular in shape and depth. Area 1 averages approximately 170' X 35' X 8.89' in depth (1960.5 cubic yards). Area 2 averages

approximately 180' X 35' X 6.17' in depth (1439.5 cubic yards). A total of 3400 cubic yards of backfill are proposed. See attached graphics for detail.

(B) Projects Requiring Excavation

857 cubic yards of existing upland will be excavated to create new bottomland as part of this proposal. 666 cubic yards of material below the ordinary high water mark in the above location will be excavated for navigation (see Section CC for details). Excavated spoils will be used as backfill, landward of the proposed seawall.

Soils at this site have been thoroughly tested and characterized as part of the ongoing reclamation of this site. A map identifying sampling sites and a table indicating levels that exceed established criteria are provided as part of this application. Those levels above the appropriate criteria in the proposed excavation area have been circled.

(B) Projects Requiring Riprap

A total of 1462 cubic yards of riprap are proposed as shoreline stabilization. See application form for figures above and below the ordinary high water mark. 823 cubic yards of this riprap is listed as fill in a wetland (see Section 10A).

14. Floodplain Activities

The proposed fill in this location is not regulated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act of 1994. For reference, please see September 17, 2002 correspondence from Mr. Gerald Fulcher, MDEQ, Attachment B



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

ATTACHMENT B



RUSSELL J. HARDING
DIRECTOR

September 17, 2002

Mr. Mike Zambetis
Resource Management Group
P. O. Box 487
Grand Haven, Michigan 49417-0487

Dear Mr. Zambetis:

SUBJECT: Parcel C, City of Muskegon Shoreline Drive/Lake Front Development

I am returning the check number 6336 for the amount of \$100.00 and the application for this project which includes the placement of 670 cubic yards of fill in Parcel C or the Muskegon Shoreline Drive/Lake Front Development project located in Section 19, T10N, R16W in the City of Muskegon.

Based on the information that you submitted all of the fill is being placed above the Ordinary High Water Mark (OHWM) of Muskegon Lake. There is no fill being placed in a wetland and no structure is being placed below the OHWM. In addition, the floodplain at this location of Muskegon Lake is not regulated by the Department of Environmental Quality (DEQ). A permit is therefore not required from the Land and Water Management Division under the authority of Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection and the floodplain regulatory authority found in Part 31, Water Resources Protection, all of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

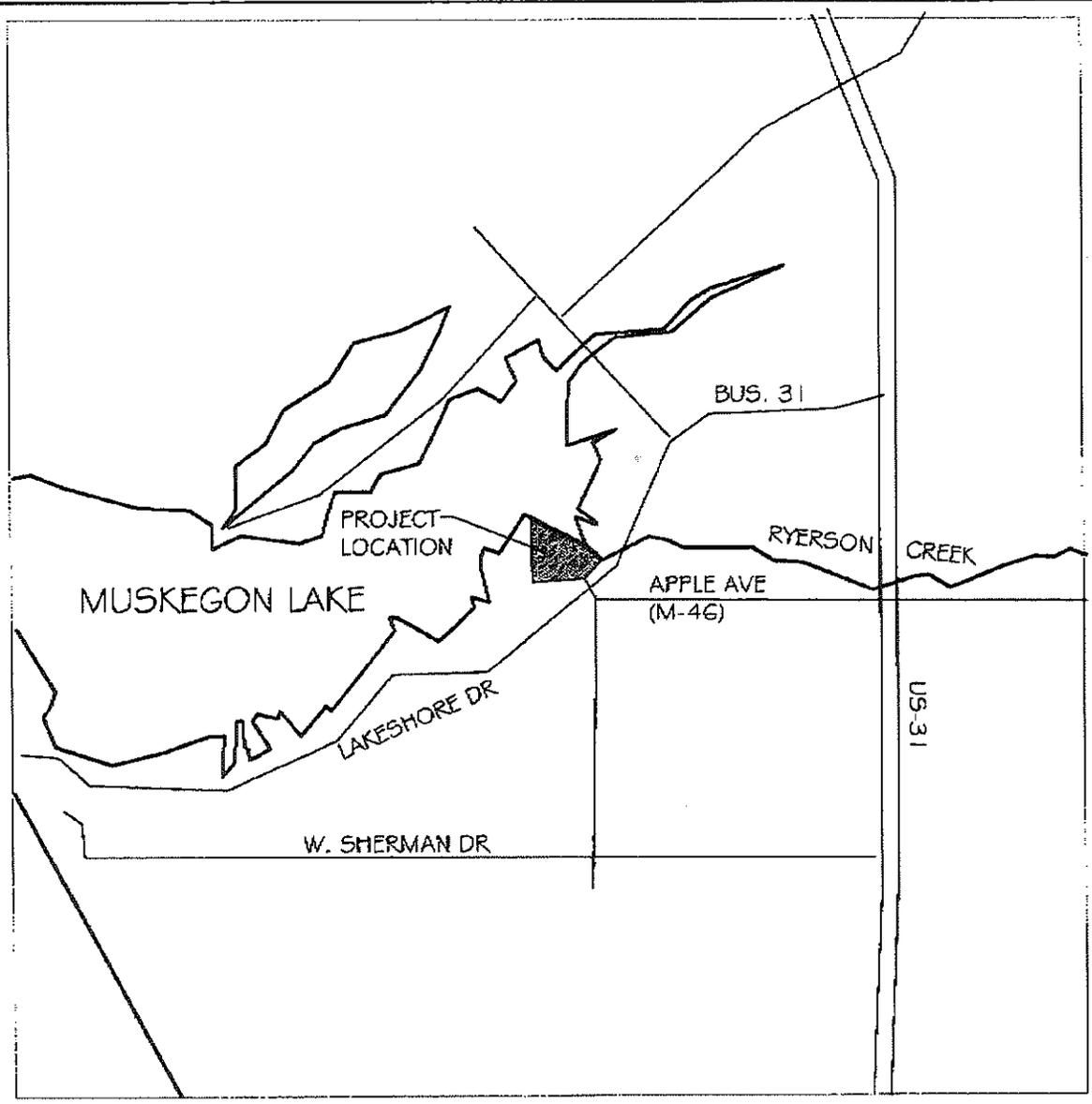
You are reminded that Gerald Heyt of the Remediation and Redevelopment Division has indicated that the entire area within the Lakefront Development site must be covered with at least one foot of clean fill at one time and not in a piecemeal manner. It should also be pointed out that the US Army Corps of Engineers has revised the 100-year floodplain elevation at this site to 584.8. While the published 100-year floodplain elevation in the City of Muskegon Flood Insurance Study is 584.0, it is recommended that the higher elevation of 584.8 be used for any development purposes. Once the area is filled it is recommended that you apply for and obtain a Letter of Map Revision-based on fill from the Federal Emergency Management Agency.

If you have any questions, please feel free to contact Ms. Holly Stearns at 517-373-4667 or you may contact me.

Sincerely,

Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Management Unit
Geological and Land Management Division
517-335-3172

cc: Mr. Bryon Mazade, Manager, City of Muskegon
Mr. Gerald Heyt, DEQ
Mr. Luis Saldivia, DEQ
Ms. Holly Stearns, DEQ



JFNew
 Environmental Planners & Consultants
 600 S. Beacon, Grand Haven, MI 49417
 (616) 847-1680 / Fax (616) 847-9970
 www.jfnew.com

LAKEFRONT DEVELOPMENT LLC
LOCATION MAP
 TION, R16W, SECTION 19
 CITY OF MUSKEGON
 MUSKEGON COUNTY, MICHIGAN



SCALE: 1" = 300'
 DATE: 11.20.02
 FILE: 020467lakefront
 SHEET 1 OF 7

P13/17

ID=6168479970

5

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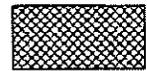
PLAN VIEW A-A

SCALE: 1" = 100'

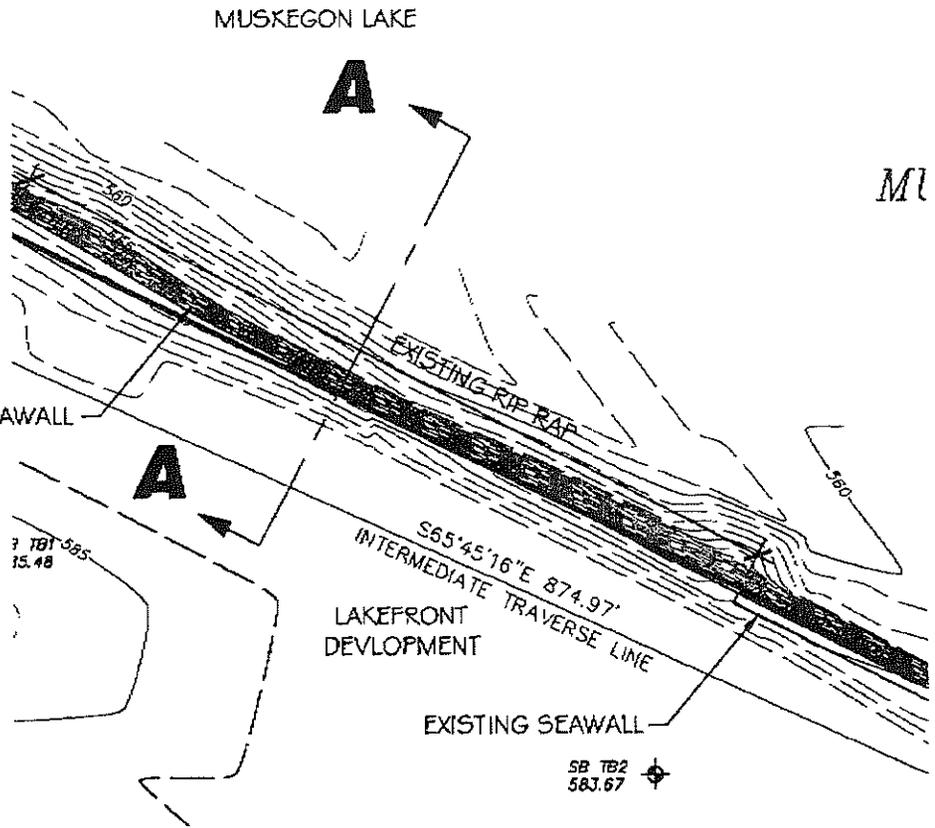
LEGEND



PROPOSED CUT

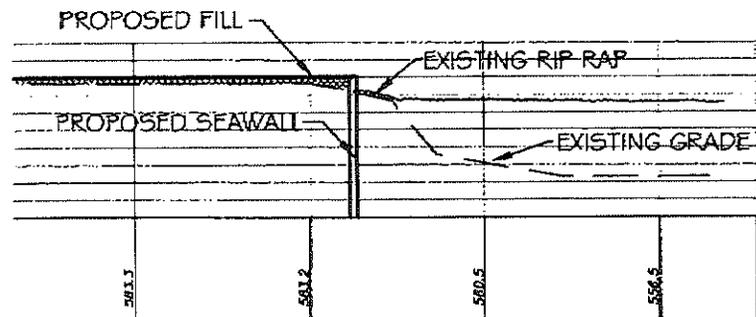


PROPOSED FILL



CROSS SECTION A-A

SCALE: 1" = 50'



Environmental Planners & Consultants
 600 S. Beacon, Grand Haven, MI 49417
 (616) 847-1680 Fax (616) 847-9970
 www.jfnew.com

LAKEFRONT DEVELOPMENT LLC CROSS SECTION A-A

TION, R1GW, SECTION 19
 CITY OF MUSKEGON
 MUSKEGON COUNTY, MICHIGAN



SCALE: AS SHOWN

DATE: 11.20.02

FILE:020467lakefront

SHEET 3 OF 7

P14/17

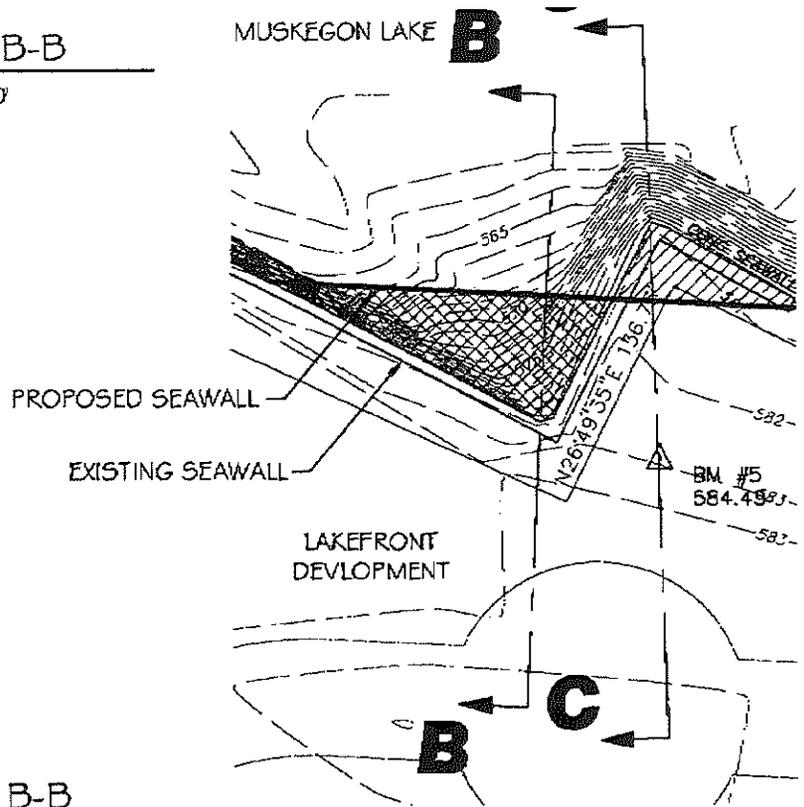
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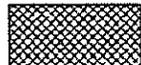
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PLAN VIEW B-B

SCALE: 1" = 100'

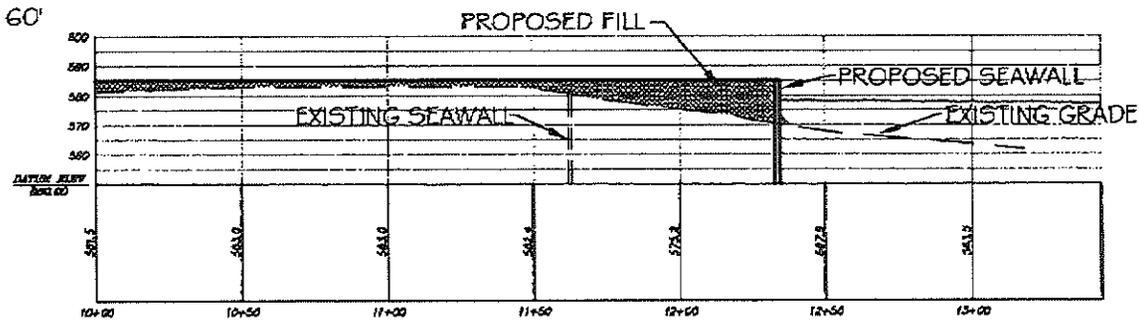


LEGEND

-  PROPOSED CUT
-  PROPOSED FILL

CROSS SECTION B-B

SCALE: 1" = 60'




JFNew
Environmental Planners & Consultants
600 S. Beacon, Grand Haven, MI 49417
(616) 847-1650 Fax (616) 847-9970
www.jfnew.com

LAKEFRONT DEVELOPMENT LLC
CROSS SECTION B-B
TION, R16W, SECTION 19
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN



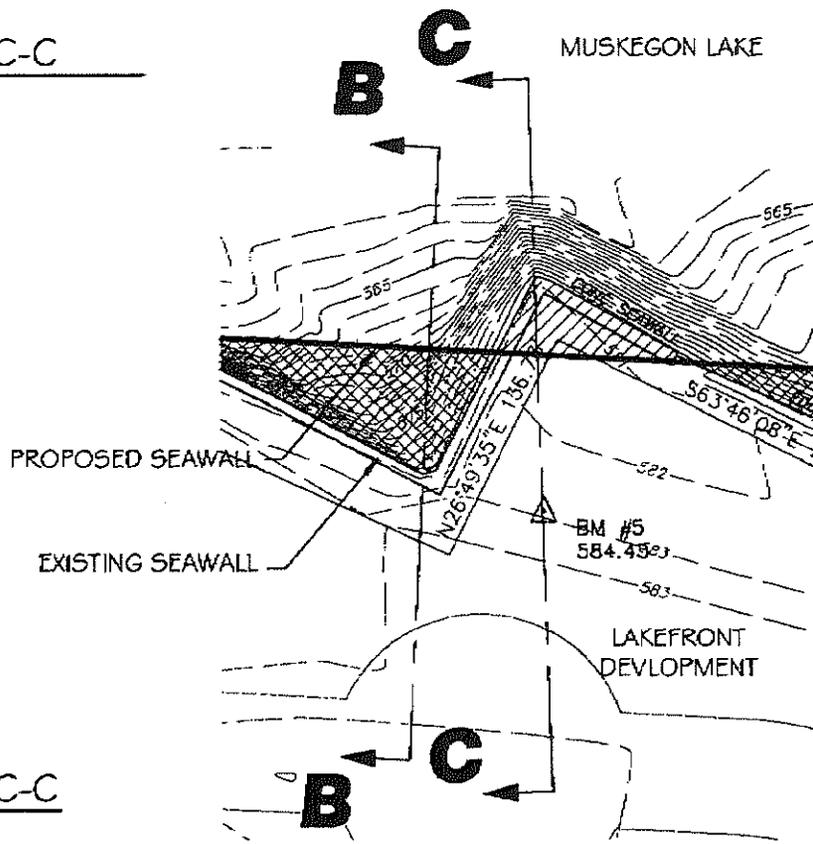
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P15/17

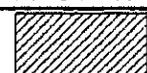
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PLAN VIEW C-C

SCALE: 1" = 100'

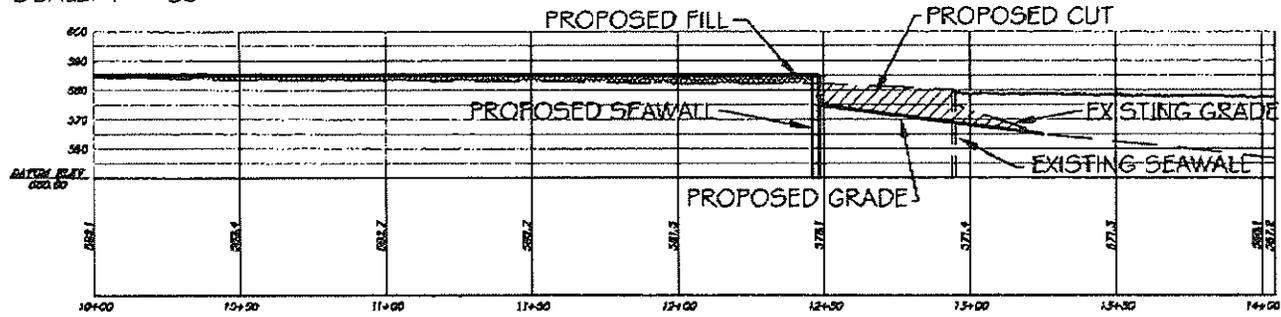


LEGEND

-  PROPOSED CUT
-  PROPOSED FILL

CROSS SECTION C-C

SCALE: 1" = 60'



02-17-03 14:05 JFNew



JFNew
Environmental Planners & Consultants
600 S. Deacon, Grand Haven, MI 49417
(616) 847-1600 Fax (616) 847-3970
www.jfnew.com

LAKEFRONT DEVELOPMENT LLC
CROSS SECTION C-C
TION, R1GW, SECTION 19
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN



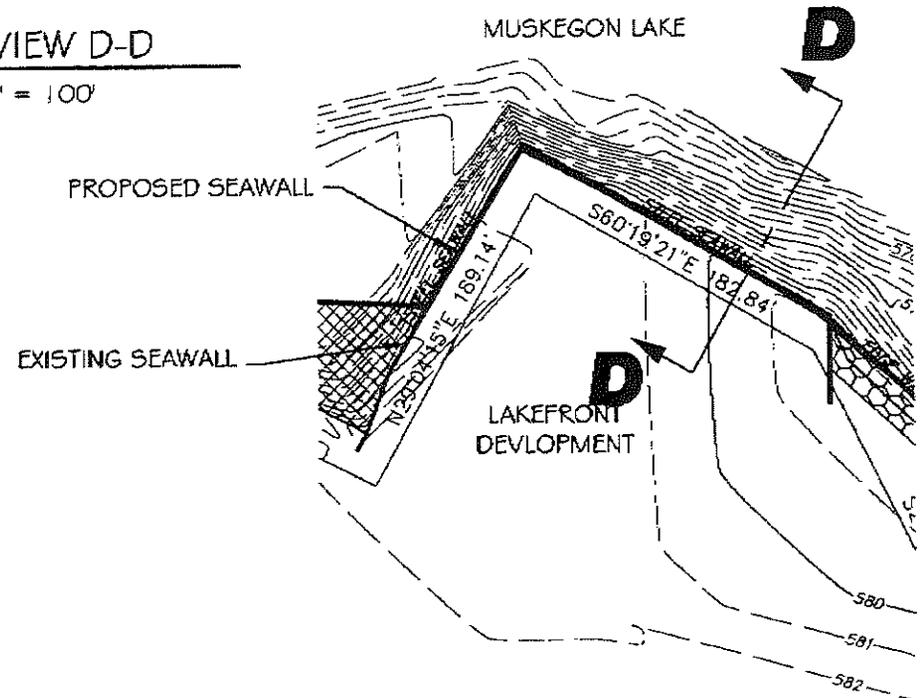
SCALE: AS SHOWN
DATE: 11.20.02
FILE: 020467lakefront
SHEET 5 OF 7

P16/17

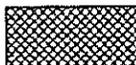
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PLAN VIEW D-D

SCALE: 1" = 100'

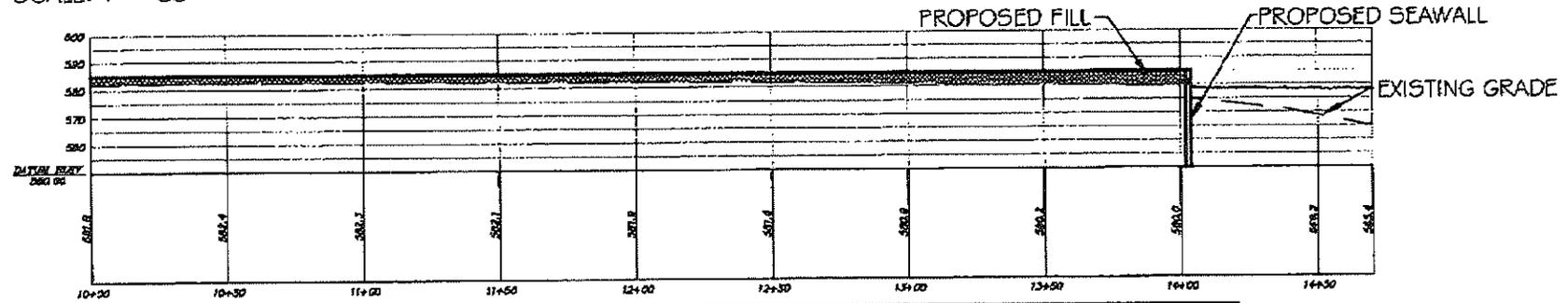


LEGEND

-  PROPOSED CUT
-  PROPOSED FILL

CROSS SECTION D-D

SCALE: 1" = 60'



02-17-03 14:05 JFNew



JFNew
Environmental Planners & Consultants
600 S. Beacon, Grand Haven, MI 49417
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LAKEFRONT DEVELOPMENT LLC
CROSS SECTION D-D
T 10N, R 16W, SECTION 19
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN



SCALE: AS SHOWN
DATE: 11.20.02
FILE: 020467lakefront
SHEET 6 OF 7

P17/17

ID=6168479970

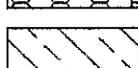
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02-17-03 14:06 JFNew

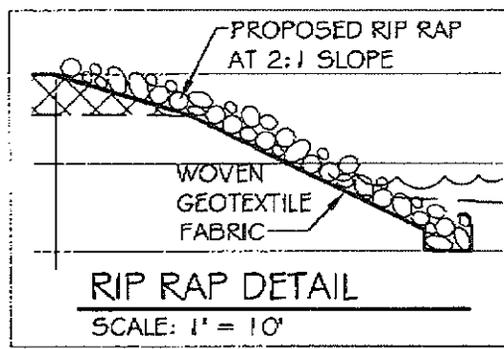
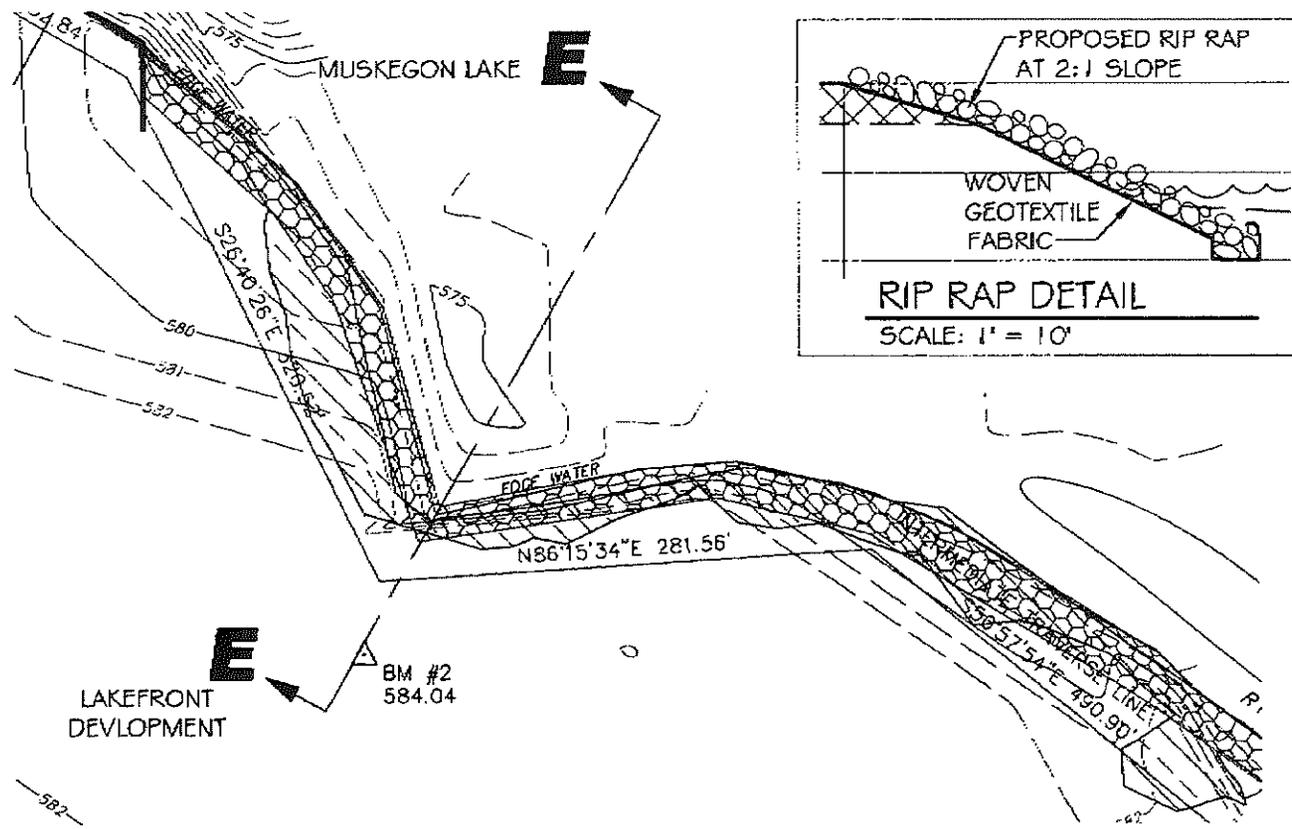
PLAN VIEW E-E

SCALE: 1" = 100'

LEGEND

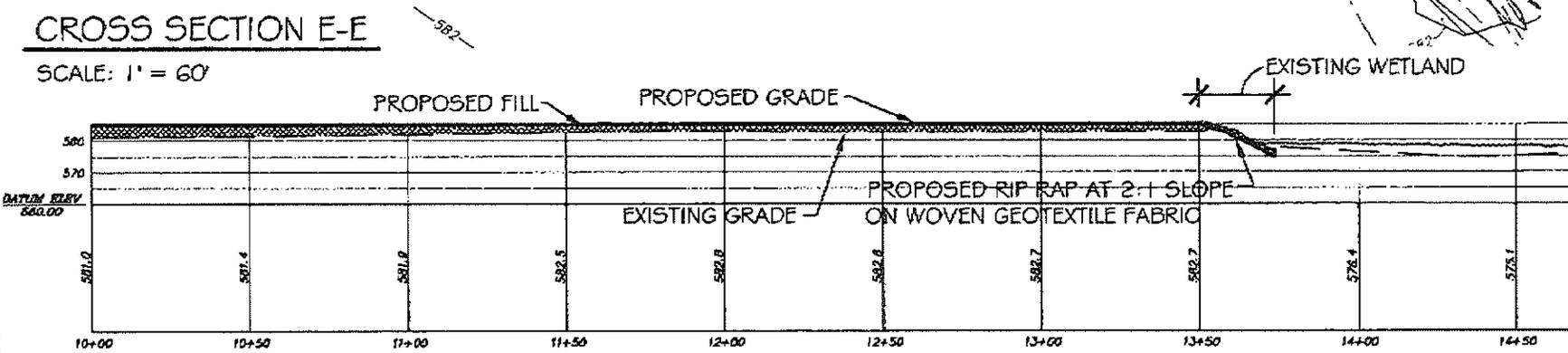
-  PROPOSED CUT
-  PROPOSED FILL
-  PROPOSED RIP RAP
-  EXISTING WETLAND/
PROPOSED WETLAND IMPACT

LENGTH OF PROPOSED
RIP RAP: 1144LF
VOLUME OF PROPOSED
RIP RAP: 1462 CYDS



CROSS SECTION E-E

SCALE: 1" = 60'




JFNew
Environmental Planners & Consultants
600 S. Beacon, Grand Haven, MI 49417
(616) 847-1680 / Fax (616) 847-9970
www.jfnew.com

LAKEFRONT DEVELOPMENT LLC
CROSS SECTION E-E
T10N, R16W, SECTION 19
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN



SCALE: AS SHOWN
DATE: 11.20.02
FILE: 020467lakefront

SHEET 7 OF 7

AGENDA ITEM NO. 2003-18d)

CITY COMMISSION MEETING 2/25/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: February 18, 2003
RE: Former Mall Parking Lot Environmental Assessment

SUMMARY OF REQUEST:

To approve the hiring of ERM to do the Phase II environmental assessment for the former Muskegon Mall parking lots.

FINANCIAL IMPACT:

\$18,500

BUDGET ACTION REQUIRED:

A budget amendment will be required.

STAFF RECOMMENDATION:

To approve the agreement with ERM.

COMMITTEE RECOMMENDATION:

None.

Environmental
Resources
Management

3352 128th Avenue
Holland, MI 49424-9263
(616) 399-3500
(616) 399-3777 (fax)

14 February 2003

Mr. John Schrier
Parmenter O'Toole
175 W. Apple Avenue
P.O. Box 786
Muskegon, Michigan 49443

Re: Phase I Environmental Site Assessment
Muskegon Mall Parking Lots



ERM®

Dear Mr. Schrier:

Environmental Resources Management, Inc. (ERM) completed the Phase I Environmental Site Assessment (ESA) tasks in our proposal dated 21 October 2002 at the Muskegon Mall Parking Lot site. This ESA focused on the parking lots located in the southwestern section of the mall property. This letter summarizes our findings and recommendations for additional assessment.

OVERVIEW OF PHASE I ENVIRONMENTAL SITE ASSESSMENT

ERM conducted a site inspection on 29 January 2003 and noted the lots to be asphalt-covered with no indication of environmental concerns (e.g., UST vent or fill pipes, vaults, pits, ponds, PCB-containing equipment, chemical odors, distressed vegetation, waste disposal, or storage areas). Snow was present on the ground surface which prevented a thorough inspection. A person with extensive historical knowledge of the site could not be located for an interview. Ms. Mary O'Connor of the Community Foundation referred ERM to Ms. Sara Rooks, former property manager. Ms. Rooks indicated she had limited knowledge of the site and could not answer questions regarding environmental conditions.

ERM has identified certain "recognized environmental conditions (RECs)," as defined by the ASTM Standard E 1527-00, and has prepared a scope and cost estimate to address these RECs. Based upon ERM's review of historic aerial photographs, Sanborn Fire Insurance maps, plat maps, and tax assessor records, the following RECs have been identified:

1. A 1950 Sanborn Fire Insurance map identified a filling station east of 3rd Street and north of former West Western Avenue; three underground storage tanks (USTs) and a pump island were noted;

Mr. John Schrier
Page 2
02/14/03

Environmental
Resources
Management

2. A 1950 Sanborn Fire Insurance map identified a filling and greasing station west of the West Clay Avenue and 2nd Street intersection; two USTs were noted;
3. A 1950 Sanborn Fire Insurance map identified a Consumers Power Storage and Automotive building south of Morris Avenue and east of 3rd Street;
4. The 1883 and 1887 Sanborn Fire Insurance maps identified a coal shed east of 3rd Street and north of former West Western Avenue;
5. The 1887 Sanborn Fire Insurance map identified a printing and shirt fabric laundry business west of former 2nd Street and north of former West Western Avenue; and
6. The 1883 and 1887 Sanborn Fire Insurance maps identified a hotel laundry area located north of West Clay Avenue and east of 3rd Street.

The local fire department was contacted regarding the potential presence of USTs on the site and no records were available. Based upon the above REC's, ERM recommends the following scope for a Phase II ESA.

PROPOSED SCOPE OF WORK

Initially, ERM would conduct a geophysical survey (electromagnetics and magnetometry) of suspected UST areas (two filling stations). If suspected USTs are identified, ERM would contact you regarding the scope of services to perform proper removal of the USTs, and whether to continue with the proposed soil borings. If no evidence of USTs is located or if it is decided to proceed with the investigation if USTs are present, the attached Table 1 summarizes the proposed scope of work.

A total of fourteen soil borings would be conducted with a geoprobe and would extend to the water table (approximately 20 feet below grade). Soil samples would be selected for laboratory analysis based upon PID screening and visual observation. One soil boring would be conducted near the printing and shirt fabric laundry building and one near the hotel laundry area. However, lab analysis of soil samples would only be conducted if visual and PID screening indicates potential contamination. All sampling protocol would be consistent with MDEQ procedures. The Phase II investigation will be summarized in a Phase I and II ESA report, which will include a sample location map, boring logs, tabulated analytical data, and conclusions and recommendations.

Mr. John Schrier
Page 3
02/14/03

Environmental
Resources
Management

ESTIMATED COST

Based upon the above scope of services, the estimated probable cost to perform the services is \$18,500. Only those costs incurred by ERM will be charged, but they will not exceed the estimated probable cost without your prior written approval.

To avoid misunderstanding, it should be emphasized that the estimated probable cost is a budget estimate, based upon our present knowledge of the project, which is believed sufficient to cover the services described herein, but no guarantee is made or implied with respect to the actual cost of performing the project. The terms and conditions under the 3 July 2002 ERM/Parmenter O'Toole Master Consulting Agreement will govern this project.

Changes in the scope of work that have a material effect on the budget or significantly alter the schedule will be communicated verbally and in writing to you for your approval.

SCHEDULE

ERM estimates the geophysical survey could be conducted within two weeks of receiving authorization to proceed. The soil boring investigation and report would be completed within three weeks following the results of the geophysical survey.

To authorize our services as stated in this proposal, please sign and return the attached Work Authorization form. Please feel free to contact Tom O'Connell at (616) 738-7340 if you have any questions regarding the proposed work. We appreciate the opportunity to be of service to Parmenter O'Toole on this project.

Sincerely,



Thomas P. O'Connell, P.E.
Principal-in-Charge

PMS:rmv/TPO
Attachment
cc: File

Mr. John Schrier
Page 4
02/14/03

Environmental
Resources
Management

WORK AUTHORIZATION

Title: Phase II Environmental Site Assessment

Site: Muskegon Mall Parking Lots

Date: 02/14/03

The above-referenced offer to perform services, as outlined in ERM's proposal, is hereby agreed to and accepted. It is further agreed and accepted that if a purchase order is issued in connection with this authorization, the terms and conditions as contained and/or referenced in ERM's proposal and/or contract shall govern unless otherwise mutually agreed in writing, and further that any reverse-side purchase order terms and conditions are hereby expressly excluded.

Signature: _____

Printed Name: _____

Title: _____

For: Parmenter O'Toole

Date: _____

Purchase Order Number: _____

TABLE 1

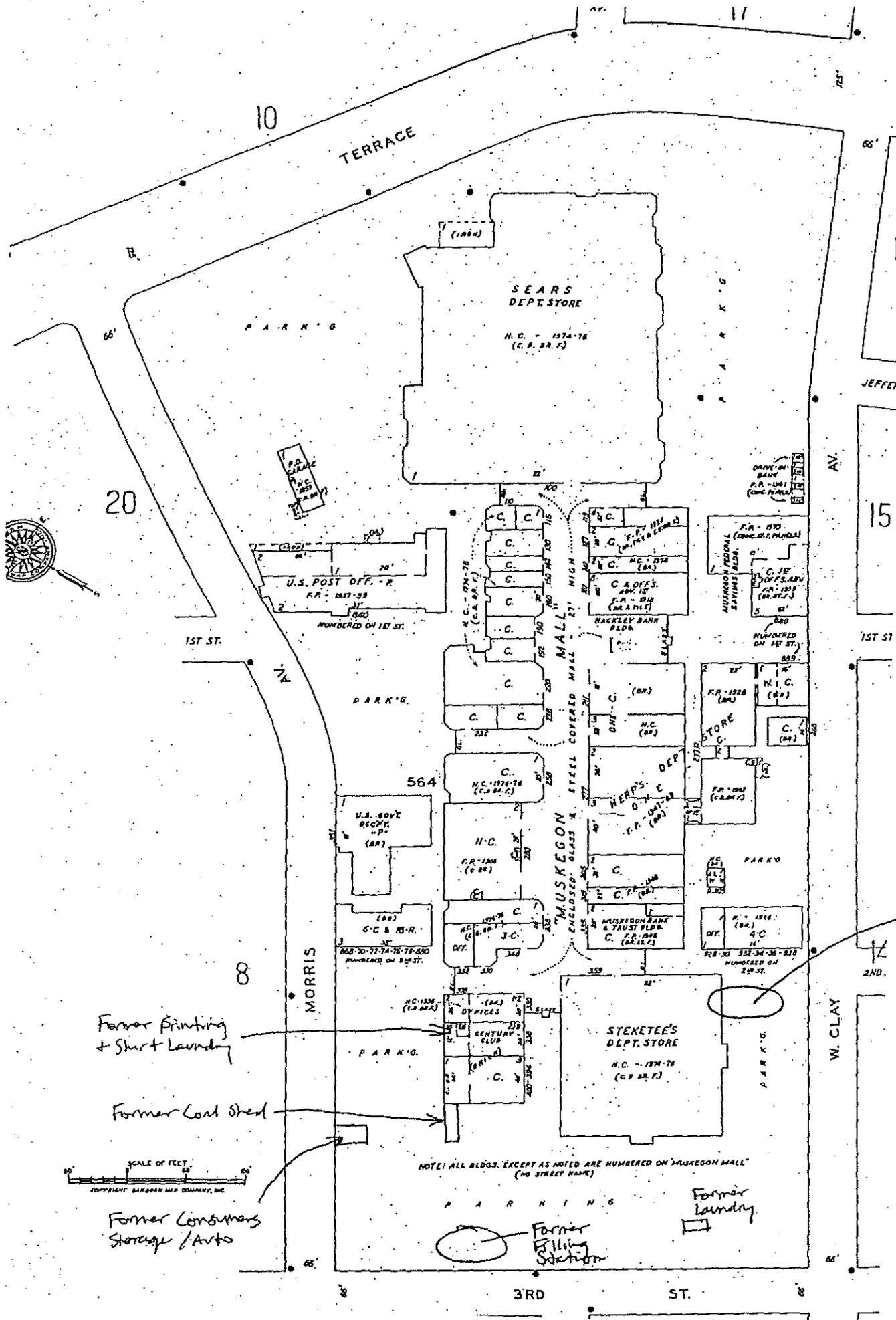
PROPOSED PHASE II ESA SCOPE OF WORK

City of Muskegon
 Muskegon Mall Parking Lots
 Muskegon, Michigan

	Recognized Environmental Condition	No. Borings	BTEX/TMBs	Lead	PAHs	Metals ¹	VOCs ²
1	Filling Station USTs ³	4					
	soil samples		4	4			
	groundwater samples		2	2			
2	Filling and Greasing Station ³	4					
	soil samples		4	4			
	groundwater samples		2	2			
2	Consumers Power Storage/Auto Bldg	2					
	soil samples				2		2
	groundwater samples				1		1
3	Coal Shed	2					
	soil samples				2	2	
	groundwater samples						
4	Printing & Shirt Fab. Laundry Bldg ⁴	1					
	soil samples						
	groundwater samples						
5	Hotel Laundry Area ⁴	1					
	soil samples						
	groundwater samples						
	TOTALS	14	12	12	5	2	3

Notes:

1. Michigan 10 metals
2. VOCs include EPA 8260 Scan
3. A Geophysical Reconnaissance Survey will be conducted in this area.
4. Will only conduct visual inspection of the soils, analysis of a soil sample will be conducted if visual contamination is observed.



Former Printing + Shirt Laundry

Former Coal Shed

Former Consumer Storage / Auto

Former Filling Gasolin Station

NOTE: ALL BLDGS. EXCEPT AS NOTED ARE NUMBERED ON 'MUSKOGON MALL' (NO STREET NAME)

Former Laundry

Former Filling Station

3RD

ST.

AGENDA ITEM NO. 2003-18 m)

CITY COMMISSION MEETING 2/25/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: February 19, 2003
RE: Appointment to the Muskegon Housing Commission

SUMMARY OF REQUEST:

To reappoint Maxine Lenear to the Muskegon Housing Commission. The term will expire January 31, 2008.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the appointment.

COMMITTEE RECOMMENDATION:

**CITY OF MUSKEGON
TALENT BANK APPLICATION**

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

NAME: MAXINE LENEAR DATE: 1-16-03

HOME ADDRESS: 604 ALLEN AVE
(Street, City, State, Zip)

HOME PHONE #: 231 728-9241 WORK PHONE #: 7227552 Bethesda Volunteer Baptist Church

OCCUPATION: Muskegon-Oceania C.A.A.P., Inc.
(If retired, give former occupation)

EDUCATION: High School + some College

PERSONAL & COMMUNITY ACTIVITIES: Church Habitat, Muskegon Housing Child Abuse

INTEREST IN SERVING: _____

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

- | | |
|-----------------------------------|-----------------------------------|
| 1. <u>Marion Palmer</u>
(Name) | <u>777-3425</u>
(Phone Number) |
| 2. <u>Blanche Smith</u>
(Name) | <u>726-2626</u>
(Phone Number) |
| 3. <u>Charles Poole</u>
(Name) | <u>773 4213</u>
(Phone Number) |

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

- | | |
|--|--|
| <input type="checkbox"/> Board of Canvassers | <input type="checkbox"/> Housing Code Board of Appeals |
| <input type="checkbox"/> Board of Review | <input checked="" type="checkbox"/> Housing Commission |
| <input type="checkbox"/> Cemetery Committee | <input type="checkbox"/> Image Committee |
| <input checked="" type="checkbox"/> Citizen's Police Review Board | <input type="checkbox"/> Income Tax Board of Review |
| <input type="checkbox"/> City Employees Pension Board | <input type="checkbox"/> Land Reutilization Committee |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Leisure Services Board |
| <input checked="" type="checkbox"/> CDBG-Citizen's District Council | <input type="checkbox"/> Loan Fund Advisory Committee |
| <input type="checkbox"/> Construction Board of Appeals | <input type="checkbox"/> Local Develop. Finance Authority |
| <input type="checkbox"/> District Library Board | <input type="checkbox"/> Local Officer's Compensation Com. |
| <input type="checkbox"/> Downtown Development Authority/Brownfield Board | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Election Commission | <input type="checkbox"/> Police/Fireman's Pension Board |
| <input type="checkbox"/> Enterprise Community Citizen Council | <input type="checkbox"/> Public Relations Committee |
| <input type="checkbox"/> Equal Opportunity Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Hospital Finance Authority | |

* Attach Additional Sheets or Resume if Desired.

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

RECEIVED

JAN 24 2003

MUSKEGON
CITY MANAGER'S OFFICE

RECEIVED
JAN 21 2003
City Clerks Office

2003-19 d)

Date: 02/18/03
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase four Ford F-250 Trucks from Tony Betten & Sons Ford.

FINANCIAL IMPACT: Total Cost \$68,893.92

BUDGET ACTION REQUIRED: None. There is \$80,000.00 Budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of four Ford F-250 Trucks from Tony Betten & Sons Ford.

Memorandum

To: Robert Kuhn
From: Brett Kraley
Date: 02/19/03
Re: Work Truck Replacement

The Equipment Division has scheduled the replacement of four Water and Sewer Department trucks for this year. These vehicles are used for a variety of activities including water meter setting, Miss Dig staking and general construction work. The trucks that will be coming out of service as a result of this purchase are two 1988 and two 1991 GMC trucks.

I have requested prices from area dealers as well as the statewide purchasing contracts. The bids were very close with only a few hundred dollars separating the three lowest bidders. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase four 2003 Ford F-250 trucks from Tony Betten & Sons Ford.

Equipment Purchase - 2003

	<u>Macomb County</u>	<u>Great Lakes Ford</u>	<u>Discovery Ford</u>	<u>Tony Betten</u>
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>3001 Colby St</u>	<u>3839 Plainfield NE</u>
Type of Vehicle	<u>Perry Mi 48872</u>	<u>Muskegon Mi 4944</u>	<u>Whitehall Mi.49461</u>	<u>Grand Rapids Mi 49525</u>
2003 Ford F-250	\$17,499.00	\$17,306.48	\$20,295.48	\$17,223.48
Delivery	\$ 120.00	\$ -	\$ -	\$ -
Total Cost	\$17,619.00	\$17,306.48	\$20,295.48	\$17,223.48

2003-20(a)

Commission Meeting Date: February 25, 2003

Date: February 10, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – Neighborhood Investment Corporation

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Neighborhood Investment Corporation, Terrace Plaza Ste. 625, 316 Morris Street, Muskegon, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 1115–1119 Third Street (former Walt Plant Appliances), Muskegon, MI. The Obsolete Property District was established October 9, 2002. Total capital investment for this project is \$450,000. The project will result in the creation of 15 construction jobs, but more importantly, the rehabilitation and revitalization of a historic building. The plans for the building also include five, ^{1 1/2} 2-3 bedroom apartments on the second floor, in addition to the office space on the first floor.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property District for 1115 – 1119 Third Street, Muskegon, MI for a term of 6 years.

COMMITTEE RECOMMENDATION:

None

APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT. Clerk must also complete sections 14, 15 and 17 on page 2.		THIS SECTION FOR USE BY THE STATE TAX COMMISSION	
Signature		Application No.	
Date This Application Was Received		Date Received	
TO BE COMPLETED BY APPLICANT (Applicant, do not write above this line. Begin entries at 1a below.)			
1a. Applicant (Company) Name (Applicant must be the OWNER of the facility) <u>Neighborhood Investment Corporation</u>		Important Note: If this application form (3674) is not fully completed, it will be returned by the Property Tax Division prior to any processing being done by the State Tax Commission	
b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) <u>Terrace Plaza, Ste 625 316 Morris</u>			
c. Location of Obsolete Facility (No. and Street, City, State, ZIP) <u>1115-1119 Third Street, Muskegon, MI 499441</u>		d. City/Twp./Village <u>Muskegon</u>	e. County <u>Muskego</u>
2. Date of Commencement of Rehabilitation <u>3/1/03</u>	3. Planned Date of Completion of Rehabilitation <u>8/1/03</u>	4. School District Where Facility is Located <u>Muskegon</u>	a. School Code
5. Estimated Cost of Rehabilitation <u>\$450,000</u>		6. How Many Years of Exemption Requested? <u>6</u>	
7. Project will have the reasonable likelihood to: (Check one or more) <input checked="" type="checkbox"/> increase commercial activity <input type="checkbox"/> create employment <input checked="" type="checkbox"/> retain employment <input type="checkbox"/> prevent a loss of employment <input checked="" type="checkbox"/> revitalize urban areas <input checked="" type="checkbox"/> increase the number of residents in the community in which the facility is situated		8. Legal Description of Obsolete Property <u>Lot 1 and the West 1/2 half of Lot 2, Block 367, Revised Plat of the City Of Muskegon, as recorded in Liber 3, Page 71, Muskegon County Records</u>	
7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: <u>15</u>			
9. The following must be provided to the local governmental unit as attachments to this application: (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.			
10. The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Please check the following box if you wish to be considered for this exclusion: <input checked="" type="checkbox"/>			
11. APPLICANT'S CERTIFICATION The undersigned, authorized officer of the company 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 of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information which it provides is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy. The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate. It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.			
12. Name of Person to Contact for Further Information <u>Jane Clingman-Scott</u>		Title <u>Executive Director</u>	Telephone Number <u>(231) 727-0809</u>
Address <u>Terrace Plaza, Ste 625, 316 Morris Muskegon MI 49440</u>			
13. Type Name of Company Officer <u>Jane Clingman-Scott</u>		Title <u>Executive Director</u>	Telephone Number <u>(231) 727-0809</u>
Signature <u>Jane Clingman-Scott</u>		Date <u>2-4-03</u>	

*Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information Request is

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

14. Action Taken

Date of Action: _____ EXEMPTION APPROVED FOR _____ Years
Ending December 31, _____ (not to exceed 12 years)

DISAPPROVED

15. RESOLUTION MUST CONTAIN THE FOLLOWING. A copy of the resolution must be furnished to the State Tax Commission.

<ul style="list-style-type: none"> <input type="checkbox"/> A statement that the local unit is a Qualified Local Governmental Unit. <input type="checkbox"/> A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000. <input type="checkbox"/> A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit. <input type="checkbox"/> If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit. <input type="checkbox"/> A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing. <input type="checkbox"/> A statement that the applicant is not delinquent in any taxes related to the facility. <input type="checkbox"/> A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years. <input type="checkbox"/> A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000. 	<ul style="list-style-type: none"> <input type="checkbox"/> A statement that all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant. <input type="checkbox"/> A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District. <input type="checkbox"/> A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district. <input type="checkbox"/> A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in. <input type="checkbox"/> A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000. <input type="checkbox"/> A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.
--	--

16. ASSESSOR:	Taxable Value	State Equalized Value (SEV)
Current Taxable Value and State Equalized Value of obsolete properties broken down for:	Land _____	_____
	Buildings _____	_____
	Buildings on Leased Land _____	_____
	Other Personal Property _____	_____
	Year of Values _____	_____

17. Name of Local Government Body	Date of Action on This Application
-----------------------------------	------------------------------------

CLERK'S CERTIFICATION
 The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Signature of Clerk	Date	Telephone Number ()
Clerk's Mailing Address	City	ZIP Code

Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

Mail completed Application and copy of Resolution to:

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

If you have any questions, please call (517) 373-2408 or 373-3302.

PROPOSAL

Neighborhood Investment Corporation is proposing to purchase and rehabilitate a building on Third St. and Houston Ave. for a mixed use of residential and office space. The first floor of the building would have three offices of 1,100 square feet each to be used by Neighborhood Investment Corporation and two other nonprofit tenants. The second floor would have five one and two bedroom apartments.

The office space was originally used as the retail sales area for Walt Plant Appliances. It is divided into three stalls of approximately 60' deep by 20' wide. There are very high ceilings and plenty of natural light from the street side windows. The space could easily be adapted to three office spaces by installing internal doors to separate areas, creating unisex handicapped accessible bathrooms in each space, and upgrading the heating, plumbing, electrical and cable systems.

There are five apartments in the second story of the building; two have 2 bedrooms and three are one bedroom. They are in very good condition with the exception of antiquated or missing bathroom and kitchen facilities.

The façade of the building is the original brown brick with large display windows. It has a number of signs which will be removed and the surface restored. We will retain the display windows but replace the existing glass and security bars with high quality tempered glass. The rear of the building is an unimproved parking lot; this will be paved and marked. We are currently working with Hooker, DeJong to design office space which will be efficient for the users and enhance the streetscape.

IMPACT

The Third Street Commercial Corridor has been seriously deteriorating over the past fifteen years. Once a thriving retail center with a car dealership, appliance stores and a grocery, the area now has a scattering of retail such as a costume shop, seamstress and convenience grocery. Third Street between Muskegon Avenue and Merrill Street is lined on the west side with 1900 era retail buildings with apartments on the second story. At least two of the buildings still are used as low income rentals. The condition of the buildings is marginal and there is not strong interest in the area for retail development. The strongest recent development has been the Mid Town Building which was recently purchased by Catholic Social Services.

Third Street is important to downtown development because it forms a southern spur to the central district and it is important to the North Nelson residential area as it is the eastern boundary and major traffic carrier for the neighborhood. At its southwesterly end is the First Congregational Church property which is a beautifully maintained institution.

The building Neighborhood Investment Corporation is proposing to develop is the former Walt Plant Appliance store. It is a landmark building on the Third Street commercial corridor and its renovation would have a dramatic impact on the revitalization of that area. It is one block east of Nelson Place and directly across the street from the Mid Town Building. The renovation of this empty building would reinforce and extend these recent neighborhood investments. It would bring three new organizations into the district creating a solid block of office activity and new residential opportunities.

This building renovation would have a dramatic impact in the revitalizing of a deteriorating commercial corridor adjacent to downtown, provide affordable office space for non profit organizations and create new housing opportunities for the downtown neighborhood.

On the basis of this project, Neighborhood Investment Corporation has been invited to participate in the LISC/ Neighborhood Main Street Initiative as one of five sites in Michigan. Main Street is a commercial redevelopment program based on a four point approach;

- Design – Enhancing the physical appearance of the commercial district by rehabilitating historic buildings, encouraging supportive new construction, developing sensitive design management systems, and long-term planning.
- Organization – Building consensus and cooperation among the many groups and individuals who have a role in the revitalization process.
- Marketing/Promotion – marketing the traditional commercial district’s assets to customers, potential investors, new businesses, local citizens and visitors.
- Economic Restructuring - Strengthening the district’s existing economic base while finding ways to expand it to meet new opportunities and challenges from outlying development.

LISC and the Muskegon Arts and Entertainment District Committee will fund a staff position for Neighborhood Investment Corporation for two years to implement the program. The staff person will work with the community to assess current conditions, develop a revitalization strategy, and implement that strategy by securing resources from national and local source.

TIMEFRAME

The Neighborhood Investment Corporation purchased the building on January 29, 2003 and is ready to begin the building rehabilitation. We will begin the building and site clean up immediately. Buck Construction will schedule rehabilitation activities as soon as permits are approved. We anticipate a three to four month construction period.

EXEMPTION CERTIFICATE

The economic feasibility of this project is based on the receipt of the Obsolete Property exemption certificate. We would not undertake the rehabilitation of the property without the receipt of the certificate.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2003-20 (a)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by Neighborhood Investment Corporation.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Neighborhood Investment Corporation, to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on October 9, 2002, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on February 25, 2003, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Neighborhood Investment Corporation, is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for six (6) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by February 25, 2004, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Neighborhood Investment Corporation, for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of six (6) years;
2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth at LOT 1 AND THE WEST ½ OF LOT 2, BLOCK 367, REVISED PLAT OF THE CIT OF MUSKEGON , the legal description containing the facilities to be improved;
3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

Ayes: 7

Nays: 0

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on February 25, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

2003-206)

Date: February 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Terrace St., Iona to Peck

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003 - 20 (b)

Resolution At First Hearing Creating Special Assessment District
For **Terrace St. Iona to Peck**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 25, 2003**, there were 28.2% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **23.12%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Spataro, Warminton, Buie, Gawron, Larson, Schweifler, Shepherd

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 25, 2003**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Terrace, Iona to Peck

SPECIAL ASSESSMENT DISTRICT

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

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Terrace, Iona to Peck

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF FEBRUARY, 2003.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
3rd DAY OF March, 2003.

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

Potter, Linda

From: Al-Shatel, Mohammed
Sent: Wednesday, February 26, 2003 10:12 AM
To: Potter, Linda
Subject: Terrace & Davis Projects

The percentages against are:

- Davis32.38%
- Terrace.....28.2%

ENGINEERING FEASIBILITY STUDY

For

TERRACE STREET, IONA PECK

The reconstruction of terrace street between Iona & Peck, see attached location map, was initiated by the City due to the conditions of the pavement and underground utilities. The existing pavement has deteriorated to a level where, we believe, a total reconstruction is necessary to optimize the use of street funds, this section of road has a Pavement Condition Index of 25. The improvements being proposed, reconstruction, consist of following;

1. Complete removal of existing pavement, including what's left of the curbs & gutters and replace with a new street section that would include curb & gutter of the same width
2. Replace the existing sanitary sewer main along with services
3. Replace existing watermain along with water services

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

The preliminary cost estimate for the work associated with paving is approximately \$336,000 (total estimated cost, including water & sewer, is \$690,000) with the length of the project being approximately 1500 lineal feet or 2188 of assessable footage. This translates into an estimated improvement cost of \$154 per assessable feet. The assessment figure will be at a cost not to exceed \$35.50 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

February 11, 2003

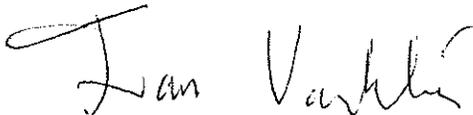
Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Terrace Street located between Iona Avenue and Peck Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 35.50 appears reasonable in light of our analysis that indicates a probable enhancement of \$39.77. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Dan VanderKooi, CMAE 4
Senior Appraiser

FEBRUARY 14, 2003

OWNERS NAME
OWNERS ADDRESS
WHITEHALL, MI 49461 3

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

TERRACE, IONA TO PECK

The proposed special assessment district will be located as follows:

All parcels abutting Terrace, Iona to Peck

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on FEBRUARY 25, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$336,000.00 of which approximately 23.12% (\$77,677.55) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **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 MAY 31, 2003**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
TERRACE, IONA TO PECK**

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25,2003**

Project Title: **TERRACE, IONA TO PECK**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	189 Feet
Estimated Front Foot Cost:	\$35.50 per Foot
ESTIMATED TOTAL COST	\$6,709.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 221 LOTS 1- 5 &
LOTS 12 & 13

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

PCITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Terrace St., Iona to Peck
and
Davis St., Laketon Ave. to Southern Ave.**

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

- **All parcels abutting Terrace St. from Iona St. to Peck St.
and**
- **All parcels abutting Davis St. from Laketon Avenue to Southern Avenue**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
FEBRUARY 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **February 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1559

RECONSTRUCTION

HEARING DATE

FEBRUARY 25, 2003

TERRACE, IONA TO PECK

24-205-219-0001-00	WEIHL RONALD JR/JEAN E 1370 TIMBER TRAIL @ 1.0 E APPLE AVE WHITEHALL MI	ASSESSABLE FEET: 89 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$3,159.50
24-205-219-0003-00	N & N ASSOCIATES LLC 40 CONCORD AVE @ 1036. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 132 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,686.00
24-205-220-0001-00	NATIONAL CITY BANK ONE NATIONAL CITY PARKWAY @ 1070. PECK ST KALAMAZOO MI	ASSESSABLE FEET: 132 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,686.00
24-205-220-0003-00	BETHANY CHRISTIAN 1105 TERRACE @ 1088. PECK ST MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-220-0007-00	NATIONAL CITY BANK ONE NATIONAL CITY PARKWAY @ 1070. TERRACE S KALAMAZOO MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-221-0001-00	MUSKEGON HOUSING COMM 1080 TERRACE ST @ 1080. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 189 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$6,709.50
24-205-222-0001-00	CITY OF MUSKEGON 933 TERRACE ST @ 1040. PECK ST MUSKEGON MI	ASSESSABLE FEET: 80.1 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,843.55

TERRACE, IONA TO PECK

24-205-226-0001-00	YOUNG GREGORY J TRUST 1102 TERRACE ST @ 1102. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 132 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,686.00
24-205-226-0003-00	HERMAN LOUISE 1116 TERRACE ST @ 1116. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-226-0004-00	MAY PROPERTY MGMT LLC 3947 NORTON HILLS RD @ 1122. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-227-0006-00	BETHANY CHRISTIAN 1105 TERRACE ST @ 1105. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 189 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$6,709.50
24-205-229-0005-00	FAITH TEMPLE CHURCH 1163 TERRACE ST @ 1163. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 123 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,366.50
24-205-229-0010-00	BETHANY CHRISTIAN REFORME 1105 TERRACE @ 55.0 DIANA AVE MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-230-0001-00	BUCKNER IRMA 1140 TERRACE ST @ 1140. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00

TERRACE, IONA TO PECK

24-205-230-0002-00	CLC PROPERTIES INC 17 E WHITE LAKE DR @ 1148. TERRACE S TWIN LAKE MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-230-0003-00	WILLIS BONNIE 1164 TERRACE ST @ 1164. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 132 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,686.00
24-205-238-0001-00	ROTTIER JAMES 895 APPLE @ 1182. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 82.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,928.75
24-205-238-0003-00	RISING STAR MISSIONARY BAP 1194 TERRACE ST @ 1194. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 115.5 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$4,100.25
24-205-238-0004-00	MAY PROPERTY MGMT LLC 3947 NORTON HILLS RD @ 1206. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-239-0007-10	COON RANDAL L 1205 TERRACE @ 1205. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00
24-205-239-0008-00	RILLEMA LEE A 1197 TERRACE ST @ 1197. TERRACE S MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,343.00

TERRACE, IONA TO PECK

24-205-239-0009-00	AMERICAN GENERAL FINANCE I	ASSESSABLE FEET:	66
	2510 HENRY ST	COST PER FOOT:	\$35.50
@ 1189.	TERRACE S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$2,343.00

24-205-239-0010-10	WILLIS BONNIE/SUNDQUIST RO	ASSESSABLE FEET:	66
	1164 TERRACE 2B	COST PER FOOT:	\$35.50
@ 1183.	TERRACE S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$2,343.00

SUM OF ASSESSABLE FOOTAGE:	<u>2188.10</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	\$77,677.55
TOTAL NUMBER OF ASSESSABLE PARCELS	23.00		

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **TERRACE, IONA TO PECK**
Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **1189 TERRACE ST**
Parcel Number: **24-205-239-0009-00**
Assessable Frontage: **66** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,343.00

RECEIVED
FEB 24 2003
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 9 BLK 239
EX W 33 FT OF N 32 FT &
ALSO EX E 5 FT OF W 38 FT OF N 15 FT

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner AMERICAN GENERAL CoOwner/Spouse _____

Signature _____ Signature _____

Address 1910 E. APPLE AVE STE 11 Address _____
MUSKEGON MI 49442

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **TERRACE, IONA TO PECK**

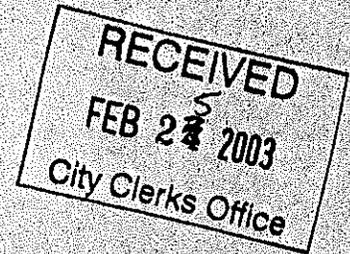
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address:	1 E APPLE AVE
Parcel Number	24-205-219-0001-00
Assessable Frontage:	89 Feet
Estimated Front Foot Cost:	\$35.50 per Foot
ESTIMATED TOTAL COST	\$3,159.50



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
THAT PART OF LOTS 1 & 2 OF BLK 219 DESC AS FOL: COM AT A PT IN SD LOT 1 WHICH IS 81.74 FT NWLY OF SW COR OF LOT 2 AND 8 FT NELY OF SWLY LINE OF SD LOT 1 FOR A POB TH SELY TO SW COR OF LOT 2 TH NELY ALG SLY LINE OF LOT 2 TO SE COR OF LOT 2 TH NWLY ALG NELY LINE OF LOT 2 57 FT TH WLY ALG S LINE OF APPLE AVE 91.05 FT TH SWLY ON ARC OF A 30

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner	<u>Ronald A. Wehl Jr</u>	CoOwner/Spouse	<u>Jean E. Wehl</u>
Signature	<u>[Signature]</u>	Signature	<u>[Signature]</u>
Address	<u>1370 Timber Dr Whitehall 49461</u>	Address	<u>Same</u>

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **TERRACE, IONA TO PECK**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **1102 TERRACE ST**
Parcel Number **24-205-226-0001-00**
Assessable Frontage: **132** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$4,686.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 1, 2 & 12 BLK 226

RECEIVED
FEB 21 2003
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner Gregory J. Young

CoOwner/Spouse _____

Signature [Signature]

Signature _____

Address 1102 TERRACE ST

Address _____

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **FEBRUARY 25,2003**

Project Title: **TERRACE, IONA TO PECK**

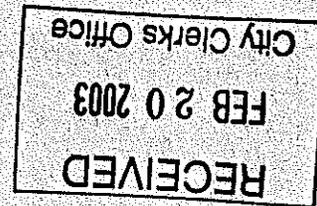
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: **1148 TERRACE ST**
Parcel Number **24-205-230-0002-00**
Assessable Frontage: **66** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,343.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 2 BLK 230

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner MICHAEL MCGAHAN
Signature [Handwritten Signature]
Address 1148 TERRACE

CoOwner/Spouse _____
Signature _____
Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **TERRACE, IONA TO PECK**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

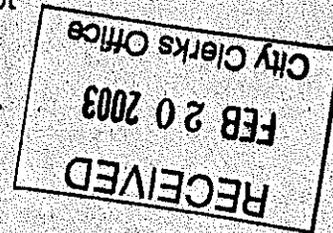
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Assessment Information

Property Address: **1205 TERRACE ST**
Parcel Number **24-205-239-0007-10**
Assessable Frontage: **66** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,343.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
E 1/2 LOT 7 BLK 239



Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED



Owner Randal L. Coon CoOwner/Spouse _____

Signature Randal L. Coon Signature _____

Address 1205 Terrace St. Address _____
Muskegon, MI 49442

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By FEBRUARY 25,2003

Project Title: TERRACE, IONA TO PECK
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1164 TERRACE ST
Parcel Number 24-205-230-0003-00
Assessable Frontage: 132 Feet
Estimated Front Foot Cost: \$35.50 per Foot
ESTIMATED TOTAL COST \$4,686.00

RECEIVED
CITY OF MUSKEGON
FEB 19 2003

ENGINEERING DEPT.

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 3-4 BLK 230

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner

BONNIE WILLIS
Bonnie Willis

CoOwner/Spouse

Signature

Bonnie Willis

Signature

Address

1164 TERRACE

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By FEBRUARY 25,2003

Project Title: TERRACE, IONA TO PECK

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1183 TERRACE ST

Parcel Number 24-205-239-0010-10

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$2,343.00

RECEIVED
CITY OF MUSKEGON

FEB 19 2003

ENGINEERING DEPT.

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
ELY 94 FT LOT 10 BLK 239

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner BONNIE WILLIS

CoOwner/Spouse RASA SUNDEQUIST

Signature Bonnie Willis

Signature RASA

Address 1164 TERRACE

Address 1164 TERRACE

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

SPECIAL ASSESSMENT

H 1567

RECONSTRUCTION

HEARING DATE

FEBRUARY 25,2003

TERRACE, IONA TO PECK

24-205-219-0001-00	WEIHL RONALD JR/JEAN E	ASSESSABLE FEET:	89
@ 1.0 E APPLE AVE	1370 TIMBER TRAIL	COST PER FOOT:	\$35.50
WHITEHALL MI		<u>ESTIMATED P.O. COST:</u>	<u>\$3,159.50</u>
24-205-219-0003-00	N & N ASSOCIATES LLC	ASSESSABLE FEET:	132
@ 1036. TERRACE S	40 CONCORD AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		<u>ESTIMATED P.O. COST:</u>	<u>\$4,686.00</u>
24-205-220-0001-00	NATIONAL CITY BANK	ASSESSABLE FEET:	132
@ 1070. PECK ST	ONE NATIONAL CITY PARKWAY	COST PER FOOT:	\$35.50
KALAMAZOO MI		<u>ESTIMATED P.O. COST:</u>	<u>\$4,686.00</u>
24-205-220-0003-00	BETHANY CHRISTIAN	ASSESSABLE FEET:	66
@ 1088. PECK ST	1105 TERRACE	COST PER FOOT:	\$35.50
MUSKEGON MI		<u>ESTIMATED P.O. COST:</u>	<u>\$2,343.00</u>
24-205-220-0007-00	NATIONAL CITY BANK	ASSESSABLE FEET:	66
@ 1070. TERRACE S	ONE NATIONAL CITY PARKWAY	COST PER FOOT:	\$35.50
KALAMAZOO MI		<u>ESTIMATED P.O. COST:</u>	<u>\$2,343.00</u>
24-205-221-0001-00	MUSKEGON HOUSING COMM	ASSESSABLE FEET:	189
@ 1080. TERRACE S	1080 TERRACE ST	COST PER FOOT:	\$35.50
MUSKEGON MI		<u>ESTIMATED P.O. COST:</u>	<u>\$6,709.50</u>
24-205-222-0001-00	CITY OF MUSKEGON	ASSESSABLE FEET:	80.1
@ 1040. PECK ST	933 TERRACE ST	COST PER FOOT:	\$35.50
MUSKEGON MI		<u>ESTIMATED P.O. COST:</u>	<u>\$2,843.55</u>

ND

TERRACE, IONA TO PECK

24-205-226-0001-00	YOUNG GREGORY J TRUST 1102 TERRACE ST MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	132 <i>sd</i> \$35.50 \$4,686.00
@ 1102.	TERRACE S		
24-205-226-0003-00	HERMAN LOUISE 1116 TERRACE ST MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	66 \$35.50 \$2,343.00
@ 1116.	TERRACE S		
24-205-226-0004-00	MAY PROPERTY MGMT LLC 3947 NORTON HILLS RD MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	66 \$35.50 \$2,343.00
@ 1122.	TERRACE S		
24-205-227-0006-00	BETHANY CHRISTIAN 1105 TERRACE ST MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	189 \$35.50 \$6,709.50
@ 1105.	TERRACE S		
24-205-229-0005-00	FAITH TEMPLE CHURCH 1163 TERRACE ST MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	123 \$35.50 \$4,366.50
@ 1163.	TERRACE S		
24-205-229-0010-00	BETHANY CHRISTIAN REFORME 1105 TERRACE MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	66 \$35.50 \$2,343.00
@ 55.0	DIANA AVE		
24-205-230-0001-00	BUCKNER IRMA 1140 TERRACE ST MUSKEGON MI	ASSESSABLE FEET: COST PER FOOT: <u>ESTIMATED P.O. COST:</u>	66 \$35.50 \$2,343.00
@ 1140.	TERRACE S		

TERRACE, IONA TO PECK

24-205-230-0002-00 CLC PROPERTIES INC ASSESSABLE FEET: 66 *Yes*
 17 E WHITE LAKE DR COST PER FOOT: \$35.50
 @ 1148. TERRACE S TWIN LAKE MI ESTIMATED P.O. COST: \$2,343.00

24-205-230-0003-00 WILLIS BONNIE ASSESSABLE FEET: 132 *No*
 1164 TERRACE ST COST PER FOOT: \$35.50
 @ 1164. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$4,686.00

24-205-238-0001-00 ROTTIER JAMES ASSESSABLE FEET: 82.5
 895 APPLE COST PER FOOT: \$35.50
 @ 1182. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$2,928.75

24-205-238-0003-00 RISING STAR MISSIONARY BAP ASSESSABLE FEET: 115.5
 1194 TERRACE ST COST PER FOOT: \$35.50
 @ 1194. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$4,100.25

24-205-238-0004-00 MAY PROPERTY MGMT LLC ASSESSABLE FEET: 66
 3947 NORTON HILLS RD COST PER FOOT: \$35.50
 @ 1206. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$2,343.00

24-205-239-0007-10 COON RANDAL L ASSESSABLE FEET: 66 *No*
 1205 TERRACE COST PER FOOT: \$35.50
 @ 1205. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$2,343.00

24-205-239-0008-00 RILLEMA LEE A ASSESSABLE FEET: 66
 1197 TERRACE ST COST PER FOOT: \$35.50
 @ 1197. TERRACE S MUSKEGON MI ESTIMATED P.O. COST: \$2,343.00

RECONSTRUCTION

HEARING DATE

FEBRUARY 25,2003

TERRACE, IONA TO PECK

24-205-239-0009-00	AMERICAN GENERAL FINANCE	ASSESSABLE FEET:	66	<i>No</i>
@ 1189.	TERRACE S MUSKEGON MI	2510 HENRY ST	COST PER FOOT:	\$35.50
			<u>ESTIMATED P.O. COST:</u>	<u>\$2,343.00</u>

24-205-239-0010-10	WILLIS BONNIE/SUNDQUIST RO	ASSESSABLE FEET:	66	<i>No</i>
@ 1183.	TERRACE S MUSKEGON MI	1164 TERRACE 2B	COST PER FOOT:	\$35.50
			<u>ESTIMATED P.O. COST:</u>	<u>\$2,343.00</u>

SUM OF ASSESSABLE FOOTAGE:	<u>2188.10</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$77,677.55</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	23.00		

H-1567 TERRACE, IONA TO PECK

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 23									
			FOR				OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2188.100 ***		19	1148	TERRACE	24-205-230-0002-00	66.00	18	1164	TERRACE	24-205-230-0003-00	132.00
FRONT FEET OPPOSED	551.00	25.18%						7	1183	TERRACE	24-205-239-0010-10	66.00
								23	1102	TERRACE	24-205-226-0001-00	132.00
RESPONDING FRONT FEET IN FAVOR	66.000	3.02%						4	1205	TERRACE	24-205-239-0007-10	66.00
								6	1189	TERRACE	24-205-239-0009-00	66.00
NOT RESPONDING - FRONT FEET IN FAVOR	1571.100	71.80%						3	1	e apple	24-205-219-0001-00	89.00
TOTAL FRONT FEET IN FAVOR	1637.100	74.82%										

TOTALS

66.00

551.00

Date: February 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Davis, Laketon to Southern

2003-20 c)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Davis, Laketon to Southern project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-20 (c)

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

RECITALS:

1. A hearing has been held on **February 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 25, 2003**, there were ~~32.38%~~ 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 Spataro and Gawron
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **18.69%** 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 Warmington, Buie, Gawron, Larson, Schweifler, Shepherd,
Spataro

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

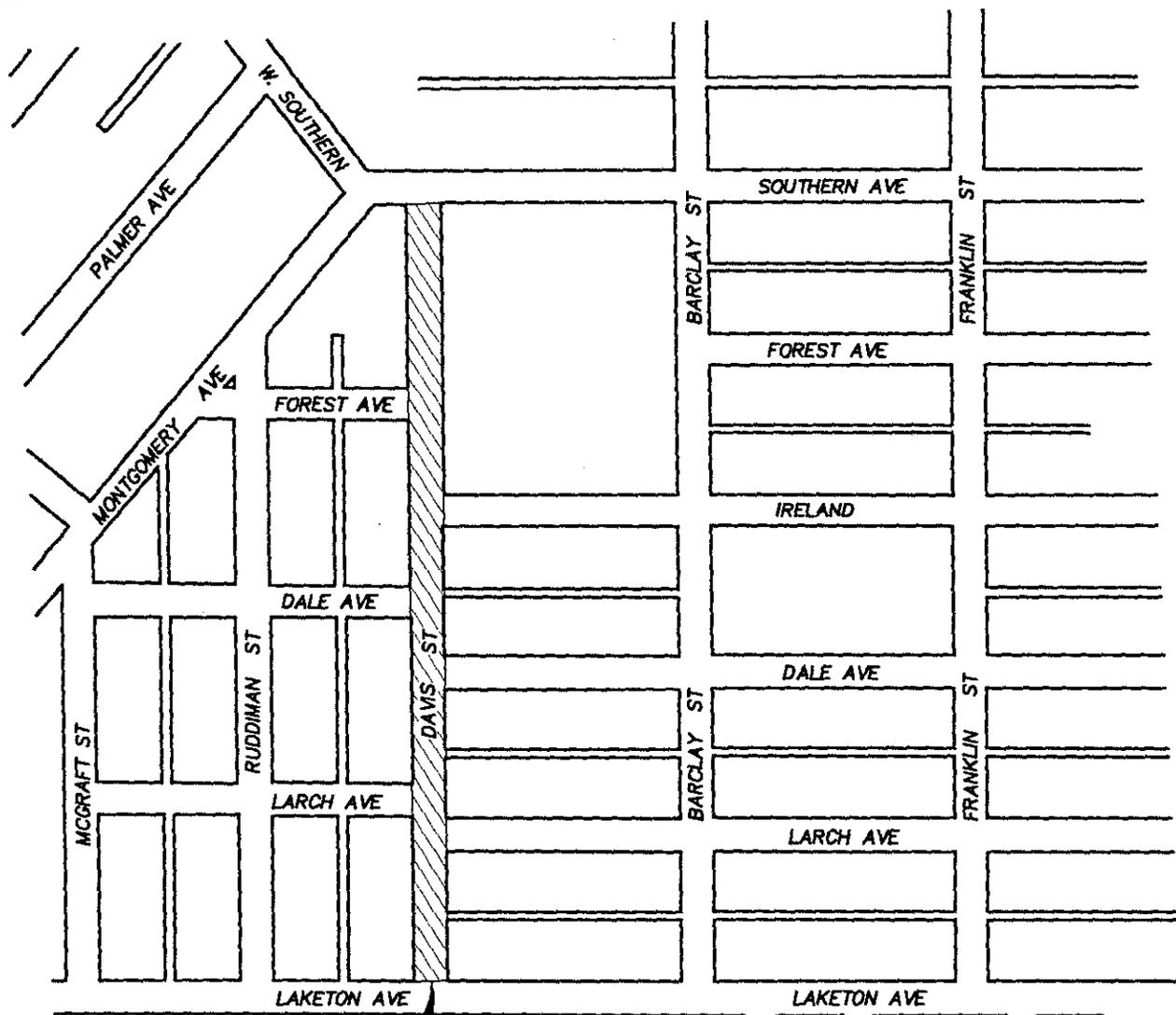
By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Davis, Laketon to Southern

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Davis St., from Laketon to Southern.



PROJECT LOCATION

SPECIAL ASSESSMENT DISTRICT

CITY OF MUSKEGON		DAVIS STREET	
OFFICE OF THE CITY ENGINEER		LAKETON TO SOUTHERN	
DRAWN BY	DATE	CHECKED BY	SCALE
HEATH	10/1/00	HEATH	NO SCALE
APPROVED			

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Davis, Laketon to Southern

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF FEBRUARY, 2003.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
3rd DAY OF March, 2003.

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

Potter, Linda

From: Al-Shatel, Mohammed
Sent: Wednesday, February 26, 2003 10:12 AM
To: Potter, Linda
Subject: Terrace & Davis Projects

The percentages against are:

- Davis32.38%
- Terrace.....28.2%

ENGINEERING FEASIBILITY STUDY

For

DAVIS ST., LAKETON TO SOUTHERN

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

Facts;

- The last major work on this section of Davis appears to have taken place back in the mid sixties except for the trench repair as a result of the watermain installation about 10-years ago.
- This section of Davis has an average pavement condition index (PCI) of less than 20 out of a 100. A PCI this low would normally result in a recommendation to reconstruct, however, milling & resurfacing is being proposed due the fact that existing curbs are in excellent shape
- A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$170,000 with the length of the project being approximately 1600 lineal feet or 1780 of assessable footage. This translates into an estimated improvement cost of \$95 per assessable foot. The assessment figure will be at a cost not to exceed \$17.85 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

February 11, 2003

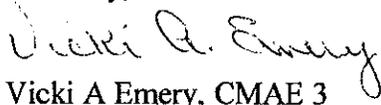
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Davis Street between W. Laketon Avenue and W. Southern Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$17.85 for the milling and resurfacing of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$18.97. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Vicki A Emery, CMAE 3

Senior Appraiser

FEBRUARY 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 17

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

DAVIS, LAKETON TO SOUTHERN

The proposed special assessment district will be located as follows:

All parcels abutting Davis, Laketon to Southern

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on FEBRUARY 25, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$170,000.00 of which approximately 18.69% (\$31,775.68) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
STREET H-1563
DAVIS, LAKETON TO SOUTHERN
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 MAY 31, 2003**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25,2003**

Project Title: **TERRACE, IONA TO PECK**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	189 Feet
Estimated Front Foot Cost:	\$35.50 per Foot
ESTIMATED TOTAL COST	\$6,709.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 221 LOTS 1- 5 &
LOTS 12 & 13

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner	_____	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	_____	Address	_____

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

PCITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Terrace St., Iona to Peck
and
Davis St., Laketon Ave. to Southern Ave.**

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

- **All parcels abutting Terrace St. from Iona St. to Peck St.
and**
- **All parcels abutting Davis St. from Laketon Avenue to Southern Avenue**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
FEBRUARY 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **February 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1563

MILLING AND RESURFACING

HEARING DATE

FEBRUARY 25, 2003

DAVIS, LAKETON TO SOUTHERN

24-205-494-0001-00	KANTOLA KEVIN	ASSESSABLE FEET:	52.75
	1611 DAVIS ST	COST PER FOOT:	\$17.85
@ 1611. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$941.59</u>

24-205-494-0002-00	SCHMIDT JEFFERY A	ASSESSABLE FEET:	52.75
	1605 DAVIS	COST PER FOOT:	\$17.85
@ 1605. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$941.59</u>

24-205-494-0005-04	MERWIN DAVID B	ASSESSABLE FEET:	61.9
	1565 DAVIS ST	COST PER FOOT:	\$17.85
@ 1565. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,104.92</u>

24-205-494-0005-05	LONG ALLAN/BETTY	ASSESSABLE FEET:	81
	1589 DAVIS ST	COST PER FOOT:	\$17.85
@ 1589. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,445.85</u>

24-205-494-0005-06	MCCORMACK DANIEL W/NANCY	ASSESSABLE FEET:	50
	1597 DAVIS ST	COST PER FOOT:	\$17.85
@ 1597. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>

24-205-500-0001-00	PRUITT PAUL D	ASSESSABLE FEET:	78
	1212 W. DALE AVE.	COST PER FOOT:	\$17.85
@ 1212. W DALE AVE	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,392.30</u>

24-205-500-0002-00	ROOD MARCELLA	ASSESSABLE FEET:	54
	1659 DAVIS ST	COST PER FOOT:	\$17.85
@ 1659. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$963.90</u>

DAVIS, LAKETON TO SOUTHERN

24-205-500-0003-00	GORKISCH JEFFREY L 1651 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,178.10
@ 1651. DAVIS ST		
24-205-500-0004-00	LLOYD H KEVIN/SUSAN K 419 OAKNOLL MUSKEGON MI	ASSESSABLE FEET: 66 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,178.10
@ 1641. DAVIS ST		
24-205-500-0005-00	BANKERS TRUST COMPANY OF ONE E 4TH ST CINCINNATI OH	ASSESSABLE FEET: 66 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,178.10
@ 1631. DAVIS ST		
24-205-501-0010-00	FOSSLER GINA J 1190 IRELAND AVE MUSKEGON MI	ASSESSABLE FEET: 64.75 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,155.79
@ 1190. IRELAND AV		
24-205-509-0009-00	GOULET WILLIAM K 1189 IRELAND AVE MUSKEGON MI	ASSESSABLE FEET: 61 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,088.85
@ 1189. IRELAND AV		
24-205-509-0010-00	KOTECKI MATTHEW/BERDINSKI 1190 W DALE AVE MUSKEGON MI	ASSESSABLE FEET: 61 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,088.85
@ 1190. W DALE AVE		
24-205-510-0001-00	PLOUHAR JUDITH A TRUST 1733 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$892.50
@ 1733. DAVIS ST		

DAVIS, LAKETON TO SOUTHERN

24-205-510-0002-00	POULIN MONTY L 1723 DAVIS	ASSESSABLE FEET:	65
@ 1723. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,160.25</u>
24-205-510-0003-00	MARTINEZ LOUIE 1715 DAVIS ST	ASSESSABLE FEET:	49
@ 1715. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$874.65</u>
24-205-510-0003-10	MAXWELL JOSEPH B/BARBARA 1707 DAVIS ST	ASSESSABLE FEET:	50
@ 1707. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>
24-205-510-0004-00	BRATSBURG GREGORY J 1703 DAVIS ST	ASSESSABLE FEET:	50
@ 1703. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>
24-205-510-0005-00	FISH ANN F 1213 W DALE AVE	ASSESSABLE FEET:	66
@ 1213. W DALE AVE	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-513-0001-00	MACHOWSKI SCOTT/DEBRA K 1781 DAVIS ST	ASSESSABLE FEET:	66
@ 1781. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-513-0002-00	M-THREE LLC 3361 FULTON	ASSESSABLE FEET:	66
@ 1777. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>

DAVIS, LAKETON TO SOUTHERN

24-205-513-0003-00	VANDERWALL JAMES/PAUL KAT	ASSESSABLE FEET:	66
	1771 DAVIS ST	COST PER FOOT:	\$17.85
@ 1771. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,178.10
24-205-513-0004-00	MCREYNOLDS JANICE	ASSESSABLE FEET:	82
	1761 DAVIS ST	COST PER FOOT:	\$17.85
@ 1761. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,463.70
24-205-513-0005-00	HILL RICHARD M	ASSESSABLE FEET:	50
	1223 W LARCH AVE	COST PER FOOT:	\$17.85
@ 1223. W LARCH AVE	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$892.50
24-205-514-0009-00	FARRELL SCOTT D	ASSESSABLE FEET:	61
	4464 MILLER	COST PER FOOT:	\$17.85
@ 1191. W DALE AVE	NORTON SHOR MI	<u>ESTIMATED P.O. COST:</u>	\$1,088.85
24-205-514-0010-00	CRANDLE DIANA L	ASSESSABLE FEET:	61
	1732 DAVIS ST	COST PER FOOT:	\$17.85
@ 1732. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,088.85
24-205-514-0011-00	OCHS AGNES S/CINCUSH PATRI	ASSESSABLE FEET:	61
	1188 W LARCH AVE	COST PER FOOT:	\$17.85
@ 1188. W LARCH AVE	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,088.85
24-205-519-0010-00	TORNGA PETER J/BOURDON R	ASSESSABLE FEET:	61
	1766 DAVIS ST	COST PER FOOT:	\$17.85
@ 1766. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,088.85

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **DAVIS, LAKETON TO SOUTHERN**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: **1190 IRELAND AVE**

Parcel Number **24-205-501-0010-00**

Assessable Frontage: **64.75 Feet**

Estimated Front Foot Cost: **\$17.85 per Foot**

ESTIMATED TOTAL COST \$1,155.79

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 501
LOT 10
§ S 1/2 OF VAC ALLEY

RECEIVED
FEB 24 2003
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner Gina Fossler CoOwner/Spouse _____
Signature Gina Fossler Signature _____
Address 1190 Ireland Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

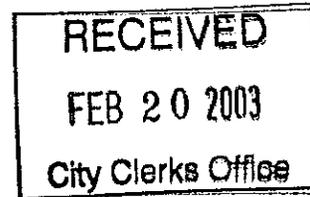
Project Title: DAVIS, LAKETON TO SOUTHERN
Project Description MILLING & RESURFACING

INSTRUCTIONS

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Assessment Information

Property Address: 1188 W LARCH AVE
Parcel Number 24-205-514-0011-00
Assessable Frontage: 61 Feet
Estimated Front Foot Cost: \$17.85 per Foot
ESTIMATED TOTAL COST \$1,088.85



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 514
S 61 FT LOTS 10 & 11

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner Agnes S. Ochs
Signature Agnes S. Ochs
Address 1189 W LARCH AVE

CoOwner/Spouse CODWNER
Signature Patricia Cimush
Address 1707 Madison

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

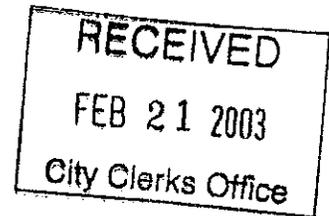
Project Title: DAVIS, LAKETON TO SOUTHERN
Project Description MILLING & RESURFACING

INSTRUCTIONS

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Assessment Information

Property Address: 1597 DAVIS ST
Parcel Number 24-205-494-0005-06
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$17.85 per Foot
ESTIMATED TOTAL COST \$892.50



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 494
PART OF LOT 5
COM AT THE SE CORNER OF LOT 5

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner Daniel McCormack
Signature Daniel W. McCormack
Address 1597 Davis St

CoOwner/Spouse Nancy McCormack
Signature Nancy McCormack
Address 1597 Davis St

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 25, 2003**

Project Title: **DAVIS, LAKETON TO SOUTHERN**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: 1611 DAVIS ST
Parcel Number 24-205-494-0001-00
Assessable Frontage: 52.75 Feet
Estimated Front Foot Cost: \$17.85 per Foot
ESTIMATED TOTAL COST \$941.59

RECEIVED
FEB 25 2003
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 494
LOT 1

FEB 25 2003
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

I AM OPPOSED

Owner Kevin Kantola
Signature Kevin Kantola
Address 1611 Davis St

CoOwner/Spouse Beth Kantola
Signature Beth Kantola
Address 1611 Davis St

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

SPECIAL ASSESSMENT

H 1563

MILLING AND RESURFACING

HEARING DATE

FEBRUARY 25, 2003

DAVIS, LAKETON TO SOUTHERN

24-205-494-0001-00	KANTOLA KEVIN 1611 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 52.75 <i>YES</i> COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$941.59
@ 1611. DAVIS ST		
24-205-494-0002-00	SCHMIDT JEFFERY A 1605 DAVIS MUSKEGON MI	ASSESSABLE FEET: 52.75 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$941.59
@ 1605. DAVIS ST		
24-205-494-0005-04	MERWIN DAVID B 1565 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 61.9 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,104.92
@ 1565. DAVIS ST		
24-205-494-0005-05	LONG ALLAN/BETTY 1589 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 81 <i>NO</i> COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,445.85
@ 1589. DAVIS ST		
24-205-494-0005-06	MCCORMACK DANIEL W/NANCY 1597 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 50 <i>YES</i> COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$892.50
@ 1597. DAVIS ST		
24-205-500-0001-00	PRUITT PAUL D 1212 W. DALE AVE. MUSKEGON MI	ASSESSABLE FEET: 78 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$1,392.30
@ 1212. W DALE AVE		
24-205-500-0002-00	ROOD MARCELLA 1659 DAVIS ST MUSKEGON MI	ASSESSABLE FEET: 54 COST PER FOOT: \$17.85 <u>ESTIMATED P.O. COST:</u> \$963.90
@ 1659. DAVIS ST		

DAVIS, LAKETON TO SOUTHERN

24-205-500-0003-00	GORKISCH JEFFREY L 1651 DAVIS ST	ASSESSABLE FEET:	66
@ 1651. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-500-0004-00	LLOYD H KEVIN/SUSAN K 419 OAKNOLL	ASSESSABLE FEET:	66
@ 1641. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-500-0005-00	BANKERS TRUST COMPANY OF ONE E 4TH ST	ASSESSABLE FEET:	66
@ 1631. DAVIS ST	CINCINNATI OH	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-501-0010-00	FOSSLER GINA J 1190 IRELAND AVE	ASSESSABLE FEET:	64.75
@ 1190. IRELAND AV	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,155.79</u>
24-205-509-0009-00	GOULET WILLIAM K 1189 IRELAND AVE	ASSESSABLE FEET:	61 <i>No</i>
@ 1189. IRELAND AV	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>
24-205-509-0010-00	KOTECKI MATTHEW/BERDINSKI 1190 W DALE AVE	ASSESSABLE FEET:	61
@ 1190. W DALE AVE	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>
24-205-510-0001-00	PLOUHAR JUDITH A TRUST 1733 DAVIS ST	ASSESSABLE FEET:	50
@ 1733. DAVIS ST	MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>

DAVIS, LAKETON TO SOUTHERN

24-205-510-0002-00	POULIN MONTY L 1723 DAVIS	ASSESSABLE FEET:	65
@ 1723.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,160.25</u>
24-205-510-0003-00	MARTINEZ LOUIE 1715 DAVIS ST	ASSESSABLE FEET:	49 <i>Yes</i>
@ 1715.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$874.65</u>
24-205-510-0003-10	MAXWELL JOSEPH B/BARBARA 1707 DAVIS ST	ASSESSABLE FEET:	50 <i>No</i>
@ 1707.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>
24-205-510-0004-00	BRATSBURG GREGORY J 1703 DAVIS ST	ASSESSABLE FEET:	50 <i>Yes</i>
@ 1703.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>
24-205-510-0005-00	FISH ANN F 1213 W DALE AVE	ASSESSABLE FEET:	66
@ 1213.	W DALE AVE MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-513-0001-00	MACHOWSKI SCOTT/DEBRA K 1781 DAVIS ST	ASSESSABLE FEET:	66 <i>No</i>
@ 1781.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>
24-205-513-0002-00	M-THREE LLC 3361 FULTON	ASSESSABLE FEET:	66
@ 1777.	DAVIS ST MUSKEGON MI	COST PER FOOT:	\$17.85
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>

DAVIS, LAKETON TO SOUTHERN

24-205-513-0003-00	VANDERWALL JAMES/PAUL KAT	ASSESSABLE FEET:	66
	1771 DAVIS ST	COST PER FOOT:	\$17.85
@ 1771. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,178.10</u>

24-205-513-0004-00	MCREYNOLDS JANICE	ASSESSABLE FEET:	82
	1761 DAVIS ST	COST PER FOOT:	\$17.85
@ 1761. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,463.70</u>

24-205-513-0005-00	HILL RICHARD M	ASSESSABLE FEET:	50 <i>No</i>
	1223 W LARCH AVE	COST PER FOOT:	\$17.85
@ 1223. W LARCH AVE	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$892.50</u>

24-205-514-0009-00	FARRELL SCOTT D	ASSESSABLE FEET:	61
	4464 MILLER	COST PER FOOT:	\$17.85
@ 1191. W DALE AVE	NORTON SHOR MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>

24-205-514-0010-00	CRANDLE DIANA L	ASSESSABLE FEET:	61
	1732 DAVIS ST	COST PER FOOT:	\$17.85
@ 1732. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>

24-205-514-0011-00	OCHS AGNES S/CINCUSH PATRI	ASSESSABLE FEET:	61 <i>No</i>
	1188 W LARCH AVE	COST PER FOOT:	\$17.85
@ 1188. W LARCH AVE	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>

24-205-519-0010-00	TORNGA PETER J/BOURDON R	ASSESSABLE FEET:	61 <i>No</i>
	1766 DAVIS ST	COST PER FOOT:	\$17.85
@ 1766. DAVIS ST	MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,088.85</u>

MILLING AND RESURFACING

HEARING DATE

FEBRUARY 25,2003

DAVIS, LAKETON TO SOUTHERN

24-205-519-0011-00 WALTERS JERRY
6182 BELL RD
@ 1190. W LAKETON A WHITEHALL MI

ASSESSABLE FEET: 61
COST PER FOOT: \$17.85
ESTIMATED P.O. COST: \$1,088.85

SUM OF ASSESSABLE FOOTAGE: 1780.15

SUM OF ESTIMATED P.O. COST: \$31,775.68

TOTAL NUMBER OF ASSESSABLE PARCELS 29.00

H-1563 DAVIS, LAKETON TO SOUTHERN

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 29										
			FOR			OPPOSE							
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET	
TOTAL ASSESSABLE FRONT FOOTAGE	1780.150 ***		10	1703	DAVIS	24-205-510-0004-00	50.00	20	1589	DAVIS	24-205-494-0005-05	81.00	
FRONT FEET OPPOSED	433.75	<i>28.75</i> 24.37%	8	1715	DAVIS	24-205-510-0003-00	49.00	9	1707	DAVIS	24-205-510-0003-10	50.00	
RESPONDING FRONT FEET IN FAVOR	201.750	11.33%	19	1597	DAVIS	24-205-494-0005-06	50.00	23	1766	DAVIS	24-205-519-0010-00	61.00	
NOT RESPONDING - FRONT FEET IN FAVOR	1144.650	64.30%	17	1611	DAVIS	24-205-494-0001-00	52.75	5	1223	W LARCH	24-205-513-0005-00	50.00	
TOTAL FRONT FEET IN FAVOR	1346.400	75.63%						24	1188	W LARCH	24-205-514-0011-00	61.00	
								29	1190	IRELAND	24-205-501-0010-00	64.75	
								1	1781	DAVIS	24-205-513-0001-00	66.00	
			TOTALS					201.75					433.75

TABULATED AS OF: 03:58 PM

Date: February 25, 2003

2003-21 a)

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Sale of Capital Improvement (Sidewalk) Bonds

SUMMARY OF REQUEST: Bids will be opened at 2:00PM on Tuesday, February 25, 2003 for sale of \$1,575,000 capital improvement bonds as previously approved by the City Commission. Proceeds of the bond sale will be used to finance the final three years of the City's sidewalk program and will be repaid through special assessments on benefiting properties. The City Commission is asked to adopt the attached awarding resolution assuming acceptable bids are received.

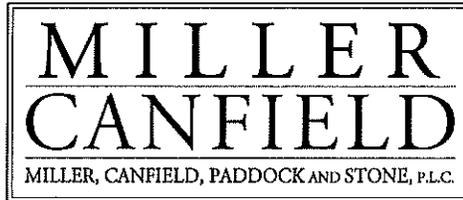
FINANCIAL IMPACT: Interest costs will be known at the time bids are opened and the Commission will be provided with a summary.

BUDGET ACTION REQUIRED: Debt service costs will be included in the City's budget for the life of the bonds.

STAFF RECOMMENDATION: Approval of the attached awarding resolution (assuming acceptable bids are received).

COMMITTEE RECOMMENDATION: None.

Founded in 1852
by Sidney Davy Miller



MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, NY
Pensacola, FL
Washington, DC

CANADA: Windsor, ON
POLAND: Gdynia
Katowice • Warsaw

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

February 13, 2003

Mr. Timothy J. Paul
Finance Director
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Via Email

Dear Tim:

In connection with the City's capital improvement bond issue, the sale for which has been set for February 25th, I attach a form of awarding resolution which the City Commission may use on that date to award the bonds to the successful purchaser. I also attach a copy of the Official Notice of Sale as same has been submitted to the Bond Buyer to publish no later than February 17th. It will not be necessary to publish this notice locally.

Our transcript in this matter is complete up to the point of sale with the exception of affidavits of publication of the bond authorizing resolution adopted January 30th. I would ask that you send these along to me if possible in advance of the sale.

As I indicated via email, I will be out of state on the 25th and would ask if you wish to have someone in attendance at the sale so that I may arrange same.

If you have any questions regarding this, please let me know.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: _____
Joel L. Piell

Enclosures

cc: Warren M. Creamer, III (letter only)

Hard copies via U.S. Mail

OFFICIAL NOTICE OF SALE

\$1,575,000

CITY OF MUSKEGON

COUNTY OF MUSKEGON, STATE OF MICHIGAN

GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2003

SEALED OR FAXED BIDS: Bidders may submit bids for the purchase of the above bonds as follows:

SEALED BIDS will be received by the undersigned at the offices of the City Clerk of the City of Muskegon (the "City") located at 933 Terrace Street, Muskegon, Michigan 49443-0536 on Tuesday, the 25th day of February, 2003 until 2:00 p.m., Eastern Standard Time, at which time and place said bids will be publicly opened and read.

FAXED BIDS: Signed bids may be submitted by members of the Municipal Advisory Council of Michigan to the Municipal Advisory Council of Michigan at (313) 963-0943; or at the offices of the City at (231) 724-6768, attention: Tim Paul, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the section contained "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 40 West 23rd Street, New York, New York 10010, (212) 404-8102. NO ELECTRONIC BID WILL BE ACCEPTED UNLESS THE BIDDER HAS SUBMITTED A FINANCIAL SURETY BOND OR A CERTIFIED OR CASHIERS CHECK IN THE AMOUNT DESCRIBED IN THE SECTION CAPTIONED "GOOD FAITH" BELOW. IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of March 1, 2003, numbered in order of registration, and will bear interest from their date payable on June 1, 2003, and semiannually thereafter.

The bonds will mature on the 1st day of June in each of the years, as follows:

<u>Year</u>	<u>Amount</u>
2004, 2005 and 2006	\$105,000
2007 and 2008	110,000
2009	115,000
2010 and 2011	120,000
2012	125,000
2013	130,000
2014	135,000
2015	145,000
2016	150,000

NO PRIOR REDEMPTION OF BONDS: Bonds of this issue shall not be subject to redemption prior to maturity.

TERM BONDS. Bids for the Bonds may be converted into one or more term bonds having mandatory sinking fund redemption's equal to the serial maturities maturing in the years 2004 through 2016. In the event there is an election to exercise the term bond option true interest costs to be determined shall be calculated by applying the interest rate of such term bonds to each mandatory sinking fund redemption for such term bonds. The winning bidder must exercise such election as part of its bid.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. No proposal for the purchase of less than all of the bonds or at a price less than 98% of their par value will be considered. The interest rate for each bond shall be equal to or greater than the preceding bond maturity.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of National City Bank of Michigan/Illinois, Troy, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are authorized for the purpose of paying all or part of the cost of certain capital improvements together with all related improvements in the City. The bonds will be a first budget obligation of the City, payable as a first budget obligation from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional and statutory tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond, in the amount of \$31,500, and payable to the order of the Treasurer of the City is required for each bid as a guaranty of good faith on the part of the bidder, to be forfeited as a portion of the City's damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such Bond must be submitted to the City's financial advisor at least one hour prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the City in the form of a cashier's check (or wire transfer such amount as instructed by the City or its financial advisor) not later than Noon, Eastern Standard Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn upon by the City to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be returned to each bidder's representative or by overnight delivery. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on June 1, 2003 and semi annually thereafter) necessary to discount the debt service payments from their respective payment dates to March 1, 2003, in an amount equal to the bid price, excluding accrued interest.

TAX MATTERS: In the opinion of bond counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof. The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

“NOT QUALIFIED TAX EXEMPT OBLIGATIONS”: The City has not designated the bonds as “qualified tax exempt obligations” for purposes of deduction of interest by financial institutions.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a proposal for the bonds, the bidder agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser at DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon, Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

OFFICIAL STATEMENT: A copy of the Official Statement relation to the Bonds may be obtained by contacting Robert W. Baird & Co., at 1001 Bay Street, Traverse City, Michigan 49684, telephone number: 231-933-8447, fax number: 231-933-8448. The Official Statement is in a form deemed final by the City for purposes of paragraph (b)(1) of SEC Rule 15c2-12 (the “Rule”), but is subject to revision, amendment and completion in a final Official Statement.

After the award of the bonds, the City will provide on a timely basis 100 copies of the final Official Statement, as that term is defined in paragraph (e)(3) of the rule, at the expense of

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

the City (and such additional copies of the final Official Statement as reasonably requested by, and at the expense of, the successful bidder or bidders) to enable the successful bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board. Requests for such additional copies of the final Official Statement shall be made to Robert W. Baird & Co., at the above address within 24 hours of the award of the bonds.

CONTINUING DISCLOSURE: As described in greater detail in the Official Statement, the City will agree in the resolution to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, (i) on or prior to the 1st day of the sixth month following the end of the fiscal year of the City, commencing with the fiscal year ending June 30, 2003, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (or if audited financial statements are not available, unaudited financial statements) generally consistent with the information contained or cross-referenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

FINANCIAL ADVISOR: Further information relating to the bonds may be obtained from Robert W. Baird & Co. at the address and telephone numbers listed above.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for General Obligation Limited Tax Bonds, Series 2003."

Gail Kunding _____
City Clerk
City of Muskegon

DELIB:2389431.2\063684-00032

2003-21 (a)
RESOLUTION RE AWARD OF BONDS

CITY OF MUSKEGON
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City" or "Issuer"), held on the 25th day of February, 2003, at 5:30 o'clock p.m., Eastern Standard Time.

PRESENT: Members Mayor Warmington, Vice Mayor Buie, Commissioner
Commissioners Gawron, Larson, Schweifler, Shepherd & Spataro

ABSENT: Members None

The following preamble and resolution were offered by Member Spataro and supported by Member Larson:

WHEREAS, February 25, 2003, at 2:00 o'clock p.m., Eastern Standard Time, has been set as the date and time for opening bids for the purchase of the Issuer's General Obligation Limited Tax Bonds, Series 2003;

AND WHEREAS, said bids have been publicly opened and read;

AND WHEREAS, the bids attached hereto and made part hereof have been received.

AND WHEREAS, the bid of Robert W. Baird & Co. has been determined to produce the lowest interest cost to the Issuer.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The bid of Robert W. Baird & Co., as above stated, be and the same is hereby accepted.
2. Checks of the unsuccessful bidders be returned to each bidder's representative or

by registered mail.

3. The Issuer hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

4. All changes respecting the Bonds set forth in the notice of sale published in connection with the sale of the bonds and the notice of sale be and are hereby approved and ratified.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

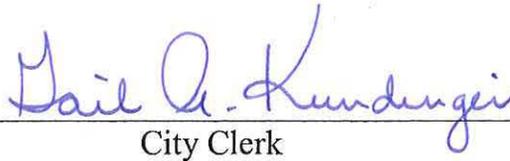
AYES: Members Buie, Gawron, Larson, Schweifler, Shepherd
Spataro, Warmington

NAYS: Members None

RESOLUTION DECLARED ADOPTED.


City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on February 25, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

DELIB:2390064.1\063684-00032

\$1,575,000
 City of Muskegon
 County of Muskegon, State of Michigan
 GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2003

Interest Rate Summary

<u>Due</u> <u>1-Jun</u>	<u>Principal</u> <u>Amount</u>	<u>McDonald</u>	<u>Wachovia</u>	<u>Citizens, Flint</u>	<u>Robert W. Baird</u>
2004	\$105,000	2.00	2.00	2.50	2.00
2005	\$105,000	2.00	2.00	2.50	2.00
2006	\$105,000	2.00	2.25	2.50	2.00
2007	\$110,000	2.10	2.50	2.50	2.38
2008	\$110,000	2.55	2.75	2.50	2.88
2009	\$115,000	2.90	3.00	2.90	3.13
2010	\$120,000	3.25	3.25	3.20	3.50
2011	\$120,000	3.50	3.50	3.45	3.50
2012	\$125,000	3.65	3.63	3.60	3.70
2013	\$130,000	3.75	3.75	3.70	3.80
2014	\$135,000	3.90	3.85	3.90	3.90
2015	\$145,000	4.00	3.90	4.00	4.00
2016	<u>\$150,000</u>	4.10	4.00	4.10	4.05
	\$1,575,000				
	<u>TIC</u>	3.713032	3.712017	3.749212	3.650885

BID FORM
\$1,575,000
CITY OF MUSKEGON
 County of Muskegon, State of Michigan
 General Obligation Limited Tax Bonds, Series 2003

Ms. Gail Kundinger, City Clerk
 City of Muskegon
 933 Terrace Street
 P.O. Box 533
 Muskegon, Michigan 49443
 Phone Number: (231) 724-6709
 Fax Number: (231) 724-6768

February 25, 2003

Dear Mr. Paul,

Reference is made to your "Official Notice of Sale" of the City's \$1,575,000 General Obligation Limited Tax Bonds, Series 2003.

For your legally issued bonds, as described in said notice of sale, we will pay you par and accrued interest from date of issue to date of delivery to us, plus premium less a discount (cross out the non-applicable phrase) of ~~\$9.95~~ ¹⁵ for bonds maturing and bearing interest as follows:

June 1, 2004	<u>2.00</u> %	June 1, 2012	<u>3.70</u> %
June 1, 2005	<u>2.00</u> %	June 1, 2013	<u>3.80</u> %
June 1, 2006	<u>2.00</u> %	June 1, 2014	<u>3.90</u> %
June 1, 2007	<u>2.75</u> %	June 1, 2015	<u>4.00</u> %
June 1, 2008	<u>2.75</u> %	June 1, 2016	<u>4.05</u> %
June 1, 2009	<u>3.12</u> %		
June 1, 2010	<u>3.12</u> %		
June 1, 2011	<u>3.12</u> %		

The following have been designated as Term Bonds.

<u>Year</u>	<u>Mandatory Redemptions</u>	<u>Year</u>	<u>Mandatory Redemptions</u>
_____	From _____ To _____	_____	From _____ To _____
_____	From _____ To _____	_____	From _____ To _____

The bid is for all or none of the bonds.

Attached hereto is (Cashier's) (Certified) Check No. _____ or Financial Surety Bond drawn on the _____, in the amount of \$31,500, which is our Good Faith Deposit and which is submitted under the terms set forth in the "Official Notice of Sale".

(Please attach a list of account members)

Robert W. Baird & Co.
 INCORPORATED
 777 E. WISCONSIN AVENUE
 MILWAUKEE, WISCONSIN 53202
 PHONE: (414) 765-7831

Respectfully submitted,

Drew A. Kanyer
 By: DREW A. KANYER
 Authorized Representative

The following is a computation of the true interest cost on the above bid. This computation is not to be considered as part of the bid and is subject to verification:

True Interest Cost \$ 443,538.09
 True Interest Rate 3.6508 %

Return of the good faith check is hereby acknowledged on this the 25th day of February 2003.

By: _____



Wachovia Bank, National Association - Charlotte , NC's Bid
Muskegon
\$1,575,000 General Obligation Limited Tax
Bonds, Series 2003



For the aggregate principal amount of \$1,575,000.00, we will pay you \$1,552,777.90, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Coupon %
06/01/2004	105M	2.0000
06/01/2005	105M	2.0000
06/01/2006	105M	2.2500
06/01/2007	110M	2.5000
06/01/2008	110M	2.7500
06/01/2009	115M	3.0000
06/01/2010	120M	3.2500
06/01/2011	120M	3.5000
06/01/2012	125M	3.6250
06/01/2013	130M	3.7500
06/01/2014	135M	3.8500
06/01/2015	145M	3.9000
06/01/2016	150M	4.0000

Total Interest Cost: \$426,212.81
Discount: \$22,222.10
Net Interest Cost: \$448,434.91
TIC: 3.712017
Time Last Bid Received On: 02/25/2003 1:24:05 EST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Wachovia Bank, National Association, Charlotte , NC
Contact: Bill Albright
Title:
Telephone: 704-374-3352
Fax:

Issuer Name: City of Muskegon Company Name: _____

Accepted By: _____ Accepted By: _____

REFERENCE IS MADE TO THE OFFICIAL NOTICE OF SALE

02-25-2003
1:46 PM

MUSKEGON
LTGO
NR/AAA FGIC \$8.38 (NR/A)
McDonald & Co. Securities, Inc.

Int From: 3/ 1/2003 First Coup: 6/ 1/2003 Del Date: 3/11/2003

Maturity	Amount	Coupon	Yield	Price	Conc	TakeDn	Total Conc+TkDn
06/01/04	105	2.000	1.100	101.088	0.000	3.750	3.750
06/01/05	105	2.000	1.300	101.527	0.000	3.750	3.750
06/01/06	105	2.000	1.700	100.935	0.000	3.750	3.750
06/01/07	110	2.100	2.100	100.000	0.000	3.750	3.750
06/01/08	110	2.550	2.550	100.000	0.000	5.000	5.000
06/01/09	115	2.900	2.900	100.000	0.000	5.000	5.000
06/01/10	120	3.250	3.250	100.000	0.000	5.000	5.000
06/01/11	120	3.500	3.500	100.000	0.000	5.000	5.000
06/01/12	125	3.650	3.650	100.000	0.000	5.000	5.000
06/01/13	130	3.750	3.750	100.000	0.000	5.000	5.000
06/01/14	135	3.900	3.900	100.000	0.000	7.500	7.500
06/01/15	145	4.000	4.000	100.000	0.000	7.500	7.500
06/01/16	150	4.100	4.100	100.000	0.000	7.500	7.500
TOTAL	1,575	3.523	3.491		0.000	5.345	5.345

	\$Total	Per \$1000 Par Value	Per \$100 Par Value
Par Amount = \$	1,575,000.00		
Gross Prod = \$	1,578,727.50	1,002.3667	100.2367
Bid = \$	1,552,320.00	985.6000	98.5600
Spread = \$	26,407.50	16.7667	1.6767
Accrued Int= \$	1,375.07	0.8731	0.0873
Acc Int/Day= \$	137.51	0.0873	0.0087
Value .05% = \$	5,023.15	3.1893	0.3189

Avg Life = 7 Years, 8 Months, 7 Days or 7.6849 Years

***** NIC CALCULATION *****		***** BID SUMMARY *****	
* Total Bond Years:	12,103.75	* Dollar Bid = \$	1,552,320.00
* Gross Interest Cost: \$	426,428.13	* Discount = \$	22,680.00
* Less Premium: \$	0.00	* NIC% =	3.710487
* or Plus Discount: \$	22,680.00	* TIC% =	3.713032 to Dated Date
* Net Interest Cost: \$	449,108.13	* TIC% =	3.715135 to Delivery
* \$1 of Spread =	0.0130 TO NIC	* Arbitrage Yield =	3.456457
* .01 of NIC=	0.7685 to Spread(Per 1000)		

----- Other Input Data -----			
Minimum Bid%:	98.560	Legal Coupon Multiples:	0.050 0.125
Maximum Bid%:	101.000	Annual Maturities	
Required Spread Per Bond:	0.000	SemiAnnual Coupons	
Optimization Level:	2	Call Type	0
Bond Insurance Costs	0.00	Bond Bidder Version	5.21, Revised 3/17/95



Citizens Bank - Flint , MI's Bid



Muskegon
\$1,575,000 General Obligation Limited Tax
Bonds, Series 2003

For the aggregate principal amount of \$1,575,000.00, we will pay you \$1,551,636.20, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Coupon %
06/01/2004	105M	2.5000
06/01/2005	105M	2.5000
06/01/2006	105M	2.5000
06/01/2007	110M	2.5000
06/01/2008	110M	2.5000
06/01/2009	115M	2.9000
06/01/2010	120M	3.2000
06/01/2011	120M	3.4500
06/01/2012	125M	3.6000
06/01/2013	130M	3.7000
06/01/2014	135M	3.9000
06/01/2015	145M	4.0000
06/01/2016	150M	4.1000

Total Interest Cost: \$429,378.75
Discount: \$23,363.80
Net Interest Cost: \$452,742.55
TIC: 3.749212
Time Last Bid Received On: 02/25/2003 1:58:19 EST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Citizens Bank, Flint , MI
Contact: John Linne
Title: Asst Vice President
Telephone: 248-691-6511
Fax: 248-691-6558

Issuer Name: City of Muskegon Company Name: _____

Accepted By: _____ Accepted By: _____

Date: February 25, 2003

2003-21 b)

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Liability/Property Insurance Renewal

SUMMARY OF REQUEST: To renew the city's liability and property insurance coverage with the Michigan Municipal Risk Management Association (MMRMA), an intergovernmental self-insurance pool representing more than 300 Michigan municipalities. Since 1986 the city has had liability coverage through the MMRMA; in 1999 property coverage was added. The city is coming off a three-year fixed rate contract with MMRMA during which time the insurance industry was rocked by both the stock market collapse and the 9/11 terrorist attack. Therefore, a significant renewal rate increase was not unexpected.

FINANCIAL IMPACT: Total contribution of \$856,599 comprised of two components: \$594,515 fixed insurance costs and \$262,084 contribution to the city's self-insured retention fund. The fixed insurance costs represent a 29% increase over 2002 costs.

BUDGET ACTION REQUIRED: None. The city's 2003 budget anticipated a 24% premium increase. Since the quoted renewal (29% increase) is for a twelve month period ended March 1, 2004, only ten months of the higher premium will impact FY 2003 so the current budget is adequate.

STAFF RECOMMENDATION: Renewal of liability and property insurance coverage with MMRMA. Staff believes that intergovernmental procurement of insurance coverage is most cost-effective approach. Moreover, the MMRMA program has the broadest coverage available to Michigan municipalities and the city's past experience with the program has been very positive.

COMMITTEE RECOMMENDATION: None.

Date: February 25, 2003

2003-21c)

To: Honorable Mayor and City Commission

From: City of Muskegon Board of Review

Re: Letters of Appeal

SUMMARY OF REQUEST: To obtain approval of the City Commission to allow letters of appeal from residents for the Board of Review to act upon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: Approve the resolution.

STAFF RECOMMENDATION: Approve the resolution.

**BOARD OF REVIEW 2003
APPEAL PROBLEM #5**

LETTER APPEAL

Who may file an appeal by letter?

- 1) Non-resident property owners
- 2) Residents, only if township board or city council approves by resolution.

*Resolution
NEEDED
By 2-18-03
to go to 2-25-03
Council. 9/03
Approved and Fee
7.*

MCL 211.30 (5)

(5) The governing body of the township or city may authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or agent.....

RESOLUTION # 2003-21 (c)

MUSKEGON CITY COMMISSION

RESOLUTION TO GRANT RESIDENTS APPROVAL TO FILE LETTERS OF APPEAL TO THE BOARD OF REVIEW

WHEREAS, letters of appeal are currently limited to non-resident property owners, and;

WHEREAS, residents should be given the same opportunity to appeal by letter, and;

WHEREAS, the Board of Review wishes to process letters of appeal equitably for all property owners;

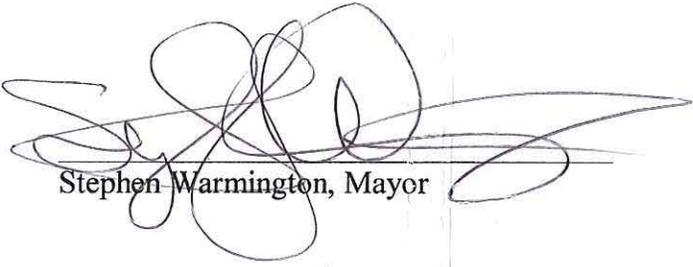
NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the Board of Review to accept letters of appeal from residents, as well as, non-residents.

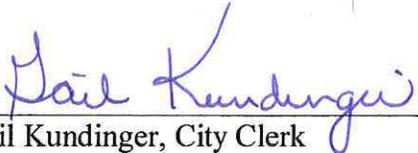
Adopted this 25th day of February, 2003

AYES: 7

NAYS: 0

ABSENT: 0


Stephen Warmington, Mayor

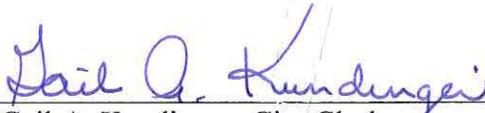

Gail Kundinger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 25, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunding, City Clerk

AGENDA ITEM NO. 2003-21-d)

CITY COMMISSION MEETING 2/25/03

TO: Mayor Warmington and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: February 18, 2003
RE: Clerical Union Tentative Agreements (TA's)

SUMMARY OF REQUEST

Staff recommends approval of the set of tentative agreements reached with and ratified by the Clerical union on Monday, February 17, 2003.

FINANCIAL IMPACT

The overall financial packet is around 10% of payroll. The packet includes two significant economic issues:

Wages:

Contract Yrs.	2003	2004	2005
	3.00%	3.00%	2.50%

Multiplier:

Increased from 1.9% to 2.25%, *effective at the end of the contract December 31, 2005.*

BUDGET ACTION

None.

STAFF RECOMMENDATION

Staff recommends approval.

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

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

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

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

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

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

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

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

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

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

Fire Department
(231)724-6792
FAX: (231)724-6985

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

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

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

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

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

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

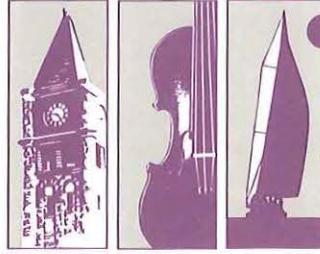
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: February 18, 2003
RE: Tentative Agreements (TA's) Reached with the Clerical Union

Attached please find a set of Tentative Agreements (TA's) reached with the Clerical Union.

BACKGROUND

The union contract expired December 31, 2002. On October 31st we received correspondence from the union notifying us of their interest in opening the contract for the purpose of negotiation. We began contract negotiations on December 3rd 2002 and reached TA with them on Thursday, February 6th 2003. On Monday, February 17, the union membership ratified the set of TA's.

We are pleased to have reached this set of TA's with this unit. While the packet reflects issues of interest to both parties, we are particularly pleased about having a number of critical issues that will streamline operations as well as reduce future health care cost. Among them are items number 16 and 17 (see TA's). Further discussion will be held in Closed Session on Tuesday, February 25th.

Please feel free to contact John Schrier, Bryon, or myself if you have question(s).

Thank you.

C: Bryon Mazade
Dept. Heads

TENTATIVE AGREEMENTS ONLY

**CLERICAL UNION
and
CITY OF MUSKEGON**

February 11, 2003

1. Article 26 - - TENTATIVE AGREEMENT to Union proposal to add grandparents and grandchildren as individuals covered to by allowed use of sick leave.
2. Article 32 - - TENTATIVE AGREEMENT to Union proposal to modify the optical and dental benefits. The benefits provided to non-union employees effective January 1, 2003 will be provided to this unit.
3. Article 33 - - TENTATIVE AGREEMENT to Union proposes to increase the pension multiplying from 1.9% of final average compensation to 2.25% of final average compensation effective December 31, 2005.
4. Article 33 - - TENTATIVE AGREEMENT to Union proposal to eliminate reference to the \$4,200 compensation relating to contributions.
5. Article 33 - - TENTATIVE AGREEMENT to Union proposal to increase the employer match of the 457 Plan from \$350 per year to \$500 per year for the period January 1, 2003 to December 31, 2005. Effective January 1, 2006, the City will no longer need to match contributions.
6. Article 39 - - The present language will be eliminated and effective January 1, 2003 the following will apply:
 - a) The names of temporary employees and the department where working will be provided to the Union on a monthly basis;
 - b) An individual temporary employee may fill a position for 6 months. At the conclusion of 6 months, the position may be filled by a different temporary employee or by a city employee;
 - c) After a temporary employee has worked for the city for 6 months, the temporary employee may not work for the City for 15 calendar days.
6. Article 44 - - TENTATIVE AGREEMENT to Union proposal to increase wages by 3% - 3% - 2.5% in each of the next three years.

7. Article 44 - - TENTATIVE AGREEMENT to merge the positions of Account Clerk I, Clerical Assistant, Clerk Typist and Income Tax Clerk and the new position shall be called Customer Service Representative I. Police Clerk, Assessing Clerk, Department Secretary, Department of Public Works Clerk, Income Tax Revenue Clerk, and Revenue Clerk shall become Customer Service Representative II and be paid consistent with the Revenue Clerk salary schedule. Civil Service will prepare a job description for both positions. (For aid in implementing this proposal, employees will move to the step which has the same compensation or immediately above the employee's current compensation, i.e., a Police Clerk, Step 9 would move to Customer Service Representative II, Step 5.)

8. Article 44 - - TENTATIVE AGREEMENT to Union proposal to provide for an automatic step increase at the completion of probation. This provision will be effective July 1, 2003.

9. Appendix B - - TENTATIVE AGREEMENT to Union proposal to modify the longevity pay, as follows:

Effective January 1, 2003, semi-annual payments to be paid in June and December using the following formula:

2% of Base Pay	after 5 years of service
4% of Base Pay	after 10 years of service
6% of Base Pay	after 15 years of service
8% of Base Pay	after 20 years of service
10% of Base Pay	after 25 years of service

Longevity payments shall be based on a maximum salary of \$15,000.

10. New Section - - TENTATIVE AGREEMENT to Union proposal that City shall establish a bank of thirty-two (32) hours per calendar year. The bank of time may be used by union representatives for attendance at union conferences, but no more than two employees per day. The Union may request employees attend union conferences, and the employees shall receive their compensation from that account. SEIU shall provide three (3) weeks' notice as to which employees will be attending union conferences and on what dates. City does have the right to refuse attendance based upon weather conditions, staffing requirements, or other factors that would require the individual to perform his or her duties as scheduled. Upon completion of the conference, the Union shall reimburse the City for the hours deducted from the Union bank. City will charge the actual salary plus cost of fringe benefits for the individual involved. City shall be reimbursed either by way of a check issued by the SEIU or an offset of the union dues to be forwarded by the City to the SEIU. Deductions from the Union bank may be in increments of no less than eight (8) hours. On January 1 of each year the time in the bank shall be increased to 32 hours.

11. TENTATIVE AGREEMENT to City proposal to cleanup the following areas:
 - a. Include "DPW" in Article 1, dealing with recognition and the wage schedule;
 - b. Article 31(b)(1) - add the additional phrase "or his/her designee."
 - c. Article 31(c)(3 through 6) should be relocated into the appropriate contractual provision, and insure that it is consistent with practice and contract provisions.

12. Article 1 - - TENTATIVE AGREEMENT to City proposal to eliminate Network Technician and Computer Technician from the Recognition clause.

13. Article 17 - - TENTATIVE AGREEMENT to City proposal that, if an employee transfers to another position, whether it be within this unit or outside of the unit, the employee shall have thirty (30) calendar days within which the employee may transfer back. This provision does not affect situations where an employee promotes to another position and fails the promotion or takes the promotion and thereafter chooses to return to the former position.

14. Article 18 - - TENTATIVE AGREEMENT to City proposal to reduce the period for posting competitive promotional examinations from ten (10) days to five (5) work days, but it must continue into the first day of the work week after it has been posted.

15. Article 30 - - TENTATIVE AGREEMENT to City proposal to revise personal leave days to provide personal leave days on a prorata basis during the first year of employment. An employee who works for six months shall receive personal leave days on a pro rate basis.

16. Article 32 - - TENTATIVE AGREEMENT to City proposal employees hired after January 1, 2003 shall not receive post-retirement health care benefits if the employee leaves City employment prior to qualifying for an immediate payable benefit from the General Employees Retirement System.

17. Article 32 - - TENTATIVE AGREEMENT to City proposal that employees who are hired after January 1, 2003 shall receive health care benefits for employees only if the employee qualifies for immediate payable benefits from the General Employees Retirement System.

18. Article 44 - - TENTATIVE AGREEMENT to City proposal to require mandatory full direct deposit of bi-weekly pay, including any overtime payments.

2003-21- e)

Date: February 25, 2003
To: Honorable Mayor and City Commissioners
From: Lee Slaughter, Assistant City Manager
**RE: General Employees' Retirement System
Ordinance Change**

SUMMARY OF REQUEST: To adopt the ordinance change which will increase the multiplier for the Clerical Union.

STAFF RECOMMENDATION: Approval

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

February 18, 2003

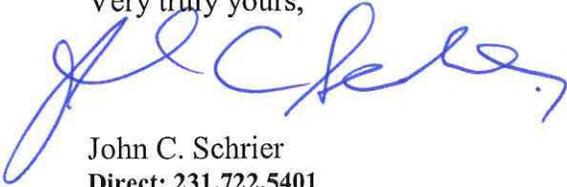
Lee Slaughter
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

**Re: General Employees' Retirement System: Clerical Union
For Non-Union Employees**

Dear Ms. Slaughter:

Enclosed please find a proposed ordinance concerning increasing the multiplier for the Clerical Union.

Very truly yours,



John C. Schrier
Direct: 231.722.5401
Fax: 231.728.2206
E-Mail Address: jcs@parmenterlaw.com

Enclosure

RECEIVED

FEB 18 2003

MUSKEGON
CITY MANAGER'S OFFICE

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2099

The City Commission of the City of Muskegon hereby ORDAINS:

Appendix B of the Code of Ordinances of the City of Muskegon concerning the General Employees Retirement System is amended, as follows:

1. Section 6.1. shall be amended to read, as follows:

Section 6.1. Subject to Section 6.1, the amount of the level straight life pension shall be his final average compensation multiplied by the product of the applicable factor and credited service. The credited service and pension amount shall be subject to the applicable maximums. The applicable factors and maximum are:

<u>Retirement Date</u>	<u>Factor</u>	<u>Maximum Years of Credited Service</u>	<u>Maximum Pension Amount</u>
Non-Union Employees On or Before 12/31/93	1.2% of the first \$4,200 of final average compensation plus 1.7% of final average compensation in excess of \$4,200.	No Limit	No Limit
On or After 01/01/94 and Before 12/31/98	1.2% of the first \$4,200 of final average compensation plus 1.7% of final average compensation in excess of \$4,200 for years the employee was represented by a union plus 2% for years while not represented	No Limit	No Limit

by a labor
organization.

On or After
01/01/99 and
Before 12/31/99

2.1%

No
Limit

No
Limit

On or After 01/01/00

2.25%

No
Limit

No
Limit

Union Clerical Employees

On or Before
12/31/96

1.2% of the
first \$4,200
of final average
compensation
plus 1.7% of
final average
compensation
in excess of \$4,200.

No
Limit

No
Limit

On or After
01/01/97 and
Before
01/01/2002

1.2% of the
first \$4,200
of final average
compensation
plus 1.8% of
final average
compensation
in excess of
\$4,200.

No
Limit

No
Limit

On or After
01/01/2002 and
Before
12/30/05

1.9%

No
Limit

No
Limit

On or After
12/31/05

2.25%

No
Limit

No
Limit

Union Employees - - DPW/Leisure Services

On or Before 12/31/95	1.2% of the first \$4,200 of final average compensation plus 1.7% of final average compensation in excess of \$4,200.	No Limit	No Limit
On or After 01/01/96	1.9%	No Limit	No Limit
On or After 01/01/98	2.1%	No Limit	No Limit
On or After 01/01/02	2.25%	No Limit	No Limit

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler
Nays: None

Adoption Date: February 25, 2003

Effective Date: March 14, 2003

First Reading: February 25, 2003

Second Reading: NA

CITY OF MUSKEGON

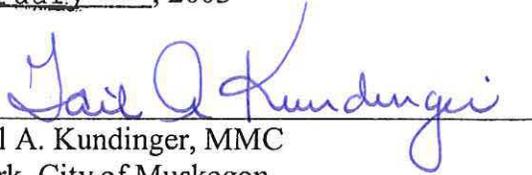
By: Gail A. Kunding

Gail A. Kunding, 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 25th day of February, 2003, 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: February 25, 2003



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on February 25, 2003, the City Commission of the City of Muskegon adopted amendments to Appendix B of the Muskegon City Code concerning the General Employees Retirement System, summarized as follows:

1. Section 6.1 shall be amended to provide a 2.25% multiplier for Clerical union employees effective December 31, 2005.

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

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

CITY OF MUSKEGON

Published March 4, 2003

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

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

AGENDA ITEM NO. 2003-21-8)

CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSION
FROM: Pat Simpson, Bryon Mazade, Tim Paul
DATE: February 18, 2003
SUBJ: Request Permission to Award Bid for Organizational Assessment to Ludwig Group LLC

SUMMARY OF REQUEST:

Requesting City Commission permission to award bid for organizational assessment of the Muskegon Fire Department to Ludwig Group LLC.

FINANCIAL IMPACT:

\$22,500

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION

Staff recommends approval of bid for organizational assessment of the Muskegon Fire Department to Ludwig Group LLC.

COMMITTEE RECOMMENDATION

Memo

To: Honorable Mayor and City Commission
From: Pat Simpson, Bryon Mazade, Tim Paul
Date: February 18, 2003
Re: Organizational Assessment

On February 4, 2003, the City of Muskegon received three proposals for an organizational assessment of the Muskegon Fire Department.

The proposals for all three companies were evaluated based upon cost, methodology, scope of work, draft and final report components, time to completion, and a reference check. Based upon this analysis, we are recommending that the firm of "Ludwig Group, LLC" be awarded the contract in the amount of \$22,500.00.

The "Ludwig Group LLC" was low bidder and a check of six references indicated that past work by this company in other jurisdictions was thorough, concise, and an action plan was presented in each case that was implemented with the desired results.

EVALUATION OF FIRE DEPARTMENT RFD FOR
FIRE/EMS ORGANIZATIONAL ASSESSMENT

FIRM NAME	TRI DATA	MANAGEMENT ADVISORY GROUP	LUDWIG GROUP
ADDRESS	ARLINGTON, VA	TALLAHASSEE, FL	HILLSBORO, MO
TOTAL COST	\$49,075.00	\$34,900.00	\$22,500.00
Report Parts:			
A. Executive Summary	Yes	Yes	Yes
B. Scope of Work	Meets RFP	Meets RFP	Meets RFP
C. Methodology	1. evaluate and identify 2. process 3. reports	1. evaluate and identify 2. recommendations 3. reports	1. planning and collection 2. analysis 3. reports
D. Draft and Final Report	Yes	Yes	Yes
E. References	Yes	Yes	Yes
F. Time to Completion	90 days from sign	90 days from sign	90 days
Additional evaluation			Uses current standards and SWOT system
			Very thorough knowledge of fire service
			Small enough for personal touch
			Bid is low enough to use same money for additional detail, if needed

INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement ("Agreement") is made and effective this March 22, 2002, by and between The Ludwig Group, LLC ("Consultant") and City of Muskegon, Michigan ("Political Subdivision").

Now, therefore, Consultant and Political Subdivision agree as follows:

1. **Engagement.**

Political Subdivision hereby engages Consultant, and Consultant accepts engagement, to provide to Political Subdivision the following services:

Evaluation of conditions and recommendations affecting fire protection and emergency medical services of the City of Muskegon including but not limited to station additions and/or locations, alternatives for staffing, alternatives to fire department organization and management structure, efficient deployment of present apparatus and equipment needs, mission of EMS, recommendations of staffing and response times relating to national standards for advanced life support for EMS.

2. **Term.**

Consultant shall provide services to Political Subdivision pursuant to this Agreement for a term commencing on April 1, 2003 and ending on June 1, 2003.

3. **Place of Work.**

Consultant shall render services primarily at Consultant's offices, but will conduct three site visits and upon request, provide the services at Political Subdivision offices or such other places as reasonably requested by Political Subdivision as appropriate for the performance of particular services.

4. **Payment.**

Political Subdivision shall pay Consultant \$22,500.00 for services performed pursuant to this Agreement. Seventy-five percent of payment shall be made within two weeks after delivery of draft report and the reminding 25 percent balance within two weeks after delivery of final report . Consultant shall bear all of Consultant's expenses incurred in the performance of this Agreement.

5. **Confidentiality.**

During the term of this Agreement, and thereafter for one year, Consultant shall not, without the prior written consent of Political Subdivision, disclose to anyone any Confidential Information. "Confidential Information" for the purposes of this Agreement shall include Political Subdivision's proprietary and confidential information such as, but not limited to, customer lists, business plans, marketing plans, financial information, designs, drawing, specifications, models, software, source codes and object codes. Confidential Information shall not include any information that:

- A. is disclosed by Political Subdivision without restriction;
- B. becomes publicly available through no act of Consultant;
- C. is rightfully received by Consultant from a third party.

6. **Termination.**

A. This Agreement may be terminated by Political Subdivision as follows:

- i. If Consultant is unable to provide the consulting services by reason of temporary or permanent illness, disability, incapacity or death.
- ii. Breach or default by Consultant of any other material obligation in this Agreement, which breach or default is not cured within five (5) days of written notice from Political Subdivision.

B. Consultant may terminate this Agreement as follows:

- i. Breach or default of any material obligation of Political Subdivision, which breach or default is not cured within five (5) days of written notice from Consultant.
- ii. If Political Subdivision files protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver is commenced by a third party against Political Subdivision, any of the foregoing of which remains undismissed for a period of sixty (60) days.

7. **Independent Contractor.**

Consultant is and throughout this Agreement shall be an independent contractor and not an employee, partner or agent of Political Subdivision. Consultant shall not be entitled to nor receive any benefit normally provided to Political Subdivision's employees such as, but not limited to, vacation payment, retirement, health care or sick pay. Political Subdivision shall not be responsible for withholding income or other taxes from the payments made to Consultant. Consultant shall be solely responsible for filing all returns and paying any income, social security or other tax levied upon or determined with respect to the payments made to Consultant pursuant to this Agreement.

8. **Tools and Supplies.**

Unless otherwise agreed to by Political Subdivision in advance, Consultant shall be solely responsible for procuring, paying for and maintaining any computer equipment, software, paper, tools or supplies necessary or appropriate for the performance of Consultant's services hereunder.

9. **Controlling Law.**

This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

10. **Headings.**

The headings in this Agreement are inserted for convenience only and shall not be used to define, limit or describe the scope of this Agreement or any of the obligations herein.

11. **Final Agreement.**

This Agreement constitutes the final understanding and agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, understandings and agreements between the parties, whether written or oral. This Agreement may be amended, supplemented or changed only by an agreement in writing signed by both of the parties.

12. **Notices.**

Any notice required to be given or otherwise given pursuant to this Agreement shall be in writing and shall be hand delivered, mailed by certified mail, return receipt requested or sent by recognized overnight courier service as follows:

If to Consultant:
The Ludwig Group, LLC
c/o Gary Ludwig
9525 E. Vista Drive, Suite 200
St. Louis, MO 63050

If to Political Subdivision:
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

13. **Severability.**

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

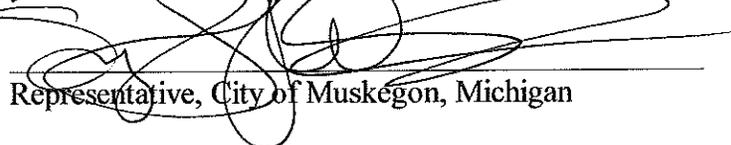
IN WITNESS WHEREOF, this Agreement has been executed by the parties as of the date first above written.



Gary Ludwig, Managing Director, The Ludwig Group, LLC

3/22/03

Date



Representative, City of Muskegon, Michigan

4-4-03

Date

DATE: February 17, 2003

2003-218) (1)

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-068-
1968 Leahy (Garage only).

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1968 Leahy (Garage)** 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: 02-068 – 1968 Leahy (Garage)

Location and ownership: This structure is located on Leahy between Holbrook and Keating. It is owned by Idell Sheard.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/11/02. A notice and order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Sheard was at that meeting and stated he would demolish the garage. As of this date no demolition permit has been pulled.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$24,400

Estimated Cost of Repairs: \$1,500

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at its meeting on Tuesday, February 26, 2003.



1968 Leahy
Garage Only



JIROCH ST

1985 1975 1967 1961 1953 1947 1937 1931 1921 1915 1907

1988 1976 1968 1960 1954 1946 1938 1932 1924 1916 1908

1985 1975 1967 1961 1953 1945 1937 1933 1925 1915 1907

1986 1976 1968 1960 1954 1946 1938 1930 1916

LEAHY

*

1983 1975 1969 1959 1951 1943 1937 1929 1925 1915 1907

1984 1974 1962 1952 1946 1938 1916 1910

1890 1884 1876 1868 1860 1852

1889 1881 1877 1869 1859 1853

1890 1882 1876 1868 1860 1852

1891 1883 1875 1867 1861 1853

HOLBROOK

121

130

180

For The Inspection Department
City of Muskegon

File #: 424883

FROM CITY ASSESSOR'S RECORDS

OWNER: Idell Sheard
PROPERTY: 1968 Leahy
PARCEL NO: 24-675-026-0016-00
DESCRIPTION: Musk. Hts. Lot 16 Blk 26

FROM RECORDS OF TRANSNATION TITLE

LIBER: 2142 & 2270
PAGE: 331 & 190
DATE OF DEED: September 1, 1998 & July 27, 1999

GRANTOR NAME & ADDRESS: Idell G. Sheard aka Idell L. Sheard aka Idell G. Brooks Sheard, 1968 Leahy St., Muskegon, MI 49442

GRANTEE NAME & ADDRESS: Idell G. Sheard, a single woman and Edward D. Sheard, a single man with joint and full rights of survivorship and Idell G. Brooks Sheard, a single woman and Hottie M. Sheard, a single woman, with joint and full rights of survivorship; 1968 Leahy St., Muskegon, Mi 49442, as their interests may appear

LIENS OR MORTGAGES:

TODAY'S DATE: February 14, 2003

EFFECTIVE DATE: January 21, 2003 at 8:00 AM

Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

1968 Leahy (Garage only)
(Address of Property)

TO: All owners and interested parties:

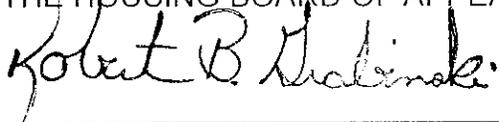
Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442

None
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS


By _____
Robert B. Grabinski, Director of Inspections

AFFIDAVIT OF SERVICE OR MAILING

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: December 6, 2002

To: Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 5, 2002 does hereby order that the following structure(s) located at 1968 Leahy (Garage), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

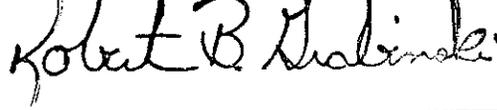
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 1968 Leahy (Garage)

TO: Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

None

[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair issued 9/26/02.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 26, 2002

Address of the Property: 1968 Leahy (Garage), Muskegon, Michigan

TO: Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

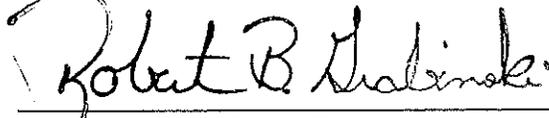
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1968 Leahy (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

1968 Leahy
(GARAGE)

9/11/02

Inspection noted:

1. Roof deteriorated with holes.
2. Exterior needs paint.
3. Siding needs repair.
4. Footing and foundation inspection required.

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 / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

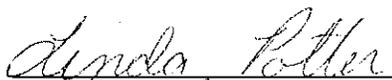
TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on December 5, 2002. The property is described as follows:

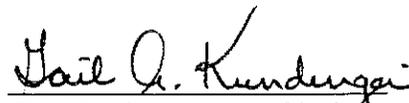
*Musk.Hts. Lot 16 Blk 26

Also known as: 1968 LEAHY

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

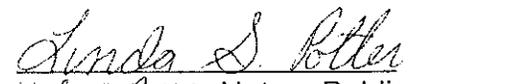
Witnesses:


Linda Potter


Gail A. Kundering, Clerk


Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of December 2002 by Gail A. Kundering, Clerk respectively, for and on behalf of the City of Muskegon.


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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

#02-02-068 – 1968 Leahy (Garage) – Idell Sheard, same address

Edward Sheard was present to represent this property. He will demolish the garage within 30-45 days.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence at their second meeting in January 2003.

A motion was made by Jerry Bever and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie		Clara Shepherd	
Jerry Bever			
Jon Rolewicz			
Nick Kroes			
John Warner			

The motion carried.

#02-052 – 1337 Marquette – Equicredit, Jacksonville, FL

~~Greg Colvin and Colin Thomas were present to represent this case. An offer has been made by them and accepted by Equicredit. There was some discussion on the quality of the roof and Henry Faltinowski stated he could inspect it with them. An interior inspection has not yet been conducted either.~~

~~Staff Recommendation: Table this case until the April 2003 meeting.~~

~~A motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.~~

~~A roll call vote was taken.~~

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie		Clara Shepherd	
Jerry Bever			

2003-219) (2)

DATE: February 17, 2003
TO: Honorable Mayor and City Commissioners
FROM: Robert B. Grabinski, Director Inspection
Services Dept.
Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-055-
465 Adams (Garage).

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **465 Adams (Garage only)** 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: #02-055- 465 Adams (Garage).

Location and ownership: This structure is located on Adams between Marshall and Wood Street. It is owned by Timothy Hatcher.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/11/02. A Notice and Order to repair or remove, was issued 9/26/02. On 11/7/02 the HBA declared the garage dangerous and substandard. There has been no contact from the current owner.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$1,500

Estimated Cost of Repairs: \$3,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, February 26, 2003.



465 Adams
Garage

S

BAYOU AV

BUTLER ST

CROSS AV

ADAMS AV

LANGLEY ST

LEONARD AV

MARSHALL ST

ETTE AV

CHARLES ST

JACKSON AV

OCTAVIUS ST

RRICK ST

LVA ST

EN ST



For The Inspection Department
City of Muskegon

File #: 424885

FROM CITY ASSESSOR'S RECORDS

OWNER: Timothy Hatcher
PROPERTY: 465 Adams
PARCEL NO: 24-205-008-003-00
DESCRIPTION: Wly 42 ft. Lot 3 Blk 8

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1030
PAGE: 40
DATE OF DEED: January 4, 1974

GRANTOR NAME & ADDRESS: Secretary of Housing and Urban
Development, of Washington, D.C., acting through the Federal Housing
Commissioner

GRANTEE NAME & ADDRESS: Timothy C. Hatcher, a single man; 465
Adams Ave., Muskegon, Mi 49442

LIENS OR MORTGAGES: None

TODAY'S DATE: February 14, 2003

EFFECTIVE DATE: January 21, 2003 at 8:00 AM

Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

465 Adams (Garage only)
(Address of Property)

TO: All owners and interested parties:

Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442

None
(Other interested parties)

On November 7, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

AFFIDAVIT OF SERVICE OR MAILING

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: November 8, 2002

To: Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, November 7, 2002 does hereby order that the following structure(s) located at **465 Adams (Garage)**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

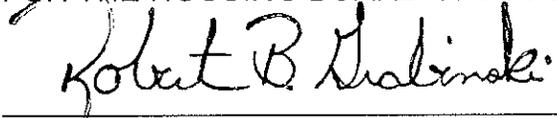
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: October 28, 2002

Address of the Property: 465 Adams (Garage)

TO: Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, November 7, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to repair issued 9/26/02.

At the hearing on Thursday, November 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 26, 2002

Address of the Property: 465 Adams (Garage), Muskegon, Michigan

TO: Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

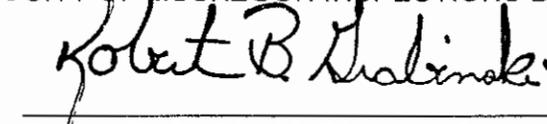
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 465 Adams (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*465 Adams
(GARAGE)*

9/11/02

Inspection noted:

1. Garage structure extremely deteriorated and must be demolished.

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 /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

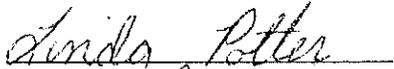
TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on November 7, 2002. The property is described as follows:

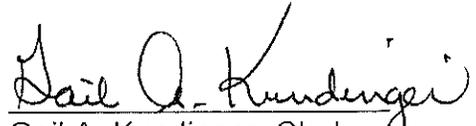
* Wly 42 ft. of Lot 3 Block 8

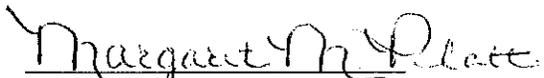
Also known as: **465 ADAMS**

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:


Linda Potter


Gail A. Kunderger, Clerk


Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 13th day of December 2002 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.


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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

Nick Kroes

The motion carried.

DANGEROUS BUILDING NEW CASES:

#02-055 – 465 Adams (Garage) – Timothy Hatcher, 672 E. Isabella

Mr. Hatcher was not present for the meeting and there has been no contact.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by John Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

Nick Kroes

The motion carried.

#02-064 – 1482 Getty (Garage) – Brewer Equities LLC, 11632 Hickory Stick Ct. Sparta, MI 49345

Bob Grabinski gave a history of the case. A dangerous building inspection report was written 9/11/02. A notice and order to repair or remove was issued 9/26/02. The owner called the office 10/9/02 to notify us that he is in the process of taking bids for demolition, but he will not be done within the 30 days of the notice. He was sent a notice for this hearing to which he replied to us with a certified letter stating his disagreement with the cities procedures and he will have the building demolished. Franklin Contractors pulled a demolition permit. Mr. Brewer came to

DATE: February 17, 2003

2003-219)3

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-071-
521 Mulder (Garage only).

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **521 Mulder (Garage)** 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: 02-071 – 521 Mulder (Garage)

Location and ownership: This structure is located on Mulder between Ellifson and Jackson. It is owned by Robert and Diane Dempsey.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/11/02. A notice and order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Dempsey was at that meeting and stated he would like to re-roof the garage, but he does not have the finances to do so. The garage has been in a collapsed state since 2001. He was told the garage would also need a foundation inspection if he intends to repair it and he would need to contact the building inspector. The garage was declared dangerous and substandard, but Mr. Dempsey was told if he wanted to save the garage he would need to move forward with repairs within 30 days. There has been no further contact from the owner since that meeting.

Owner Contact: None

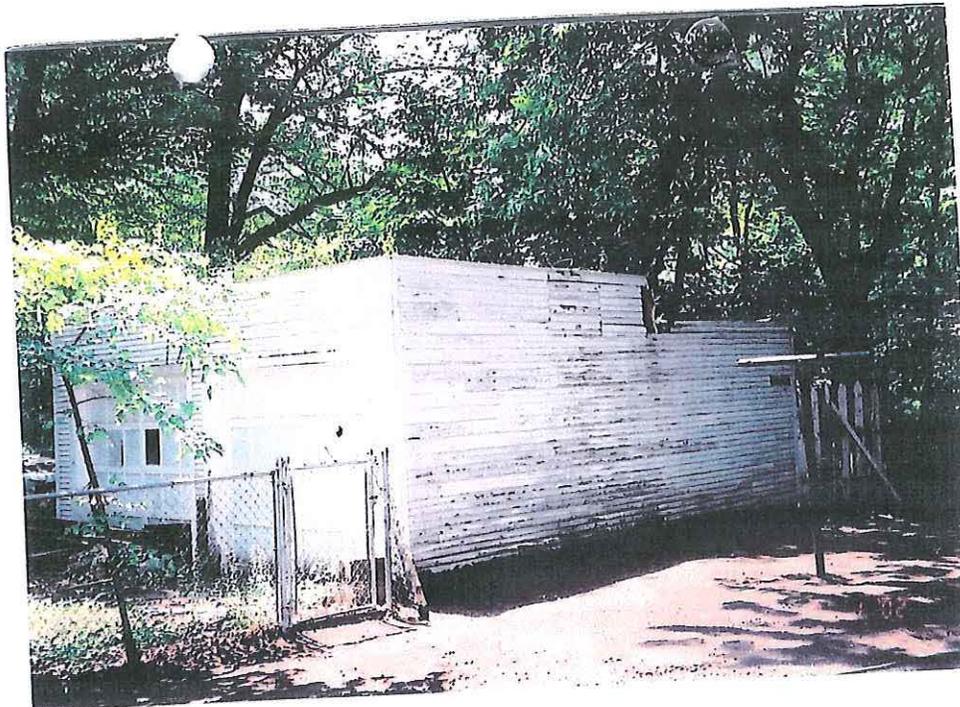
Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$12,700

Estimated Cost of Repairs: \$3,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, February 26, 2003.



Sal Mulder

For The Inspection Department
City of Muskegon

File #: 424884

FROM CITY ASSESSOR'S RECORDS

OWNER: Robert & Diane Dempsey
PROPERTY: 521 Mulder
PARCEL NO: 24-205-019-0014-10
DESCRIPTION: S 39 ½ ft. Lot 14 Blk 19

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1343
PAGE: 516
DATE OF DEED: April 4, 1996

GRANTOR NAME & ADDRESS: Comerica Bank-Hackley, N.A., (formerly known as Hackley Union National Bank and Trust Company), Trustee of the Louis W. Pitcher Trust under agreement dated August 7, 1973, as amended and restated October 27, 1978, 801 W. Norton Avenue, Muskegon, MI 49443

GRANTEE NAME & ADDRESS: Ethel M. Goff, a single woman, 2040 Whitehall Road, Muskegon, MI 49443 - deceased

LIENS OR MORTGAGES: Unrecorded land contract

TODAY'S DATE: February 14, 2003

EFFECTIVE DATE: January 21, 2003 at 8:00 AM

Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

1343 516
TRUSTEE'S DEED
Statutory Form

lv 3 30

KNOW ALL MEN BY THESE PRESENTS: That COMERICA BANK-HACKLEY, N.A., (formerly known as Hackley Union National Bank and Trust Company), Trustee of the Louis W. Pitcher Trust under Agreement dated August 7, 1973, as Amended and Restated October 27, 1978, whose address is 801 W. Norton Avenue, Muskegon, Michigan 49443

CONVEYS TO : ETHEL M. GOFF, a single woman, of 2040 Whitehall Road, Muskegon, Michigan 49445

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

The South 39-1/2 feet of Lot 14, Block 19, according to the Revised Plan of the City of Muskegon, adopted A.D. 1903.

for the sum of: \$3,000.00

subject to reservations, easements and restrictions of record.

Dated this 16th day of April, 1986.

Signed in the presence of:

COMERICA BANK-HACKLEY, N.A., Trustee

Marcia Gimakas
Marcia Gimakas

By Loa E. Vanderveelde
Loa E. Vanderveelde
Trust Administrator

Barbara J. Meyers
Barbara J. Meyers

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1986 APR -7 P 3:41

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

[Signature]
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 16th day of April, 1986, by LOA E. VANDERVEELDE, Trust Administrator of COMERICA BANK-HACKLEY, N.A.

NOTARY PUBLIC
MICHIGAN
REAL ESTATE
TRANSFER TAX
APR 16 1986

Marcia Gimakas
Marcia Gimakas
Notary Public
Muskegon County, Michigan
My commission expires: 4/15/1987

When Recorded Return To:
Grantee

Send Subsequent tax Bills To:
Grantee

Drafted by:
O'TOOLE, JOHNSON, KNOWLTON,
ROLF, GRAPTON & EKLUND
BY: George W. Johnson

Business Address:
175 W. Apple Avenue
Muskegon, Michigan 49443

4069m

Comerica Bank Hackley (over)

1343 516

FOR USE WITH MICHIGAN REGION ALTA OWNER'S POLICY

SCHEDULE A

Amount \$ 13,500.00 Policy No. 168387 Date: June 14, 1990 at 8:00 am

INSURED

Robert E. Dempsey and Diane L. Dempsey, husband & wife

1. The estate or interest in the land described or referred to in this schedule covered by this policy is fee simple.

2. Title to the estate or interest covered by this policy at the date hereof is vested in:

Ethel M. Goff

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

The South 39 1/2 feet of Lot 14 of Block 19 of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71 of Muskegon County Records.

GU

MAR

Marquette

Jackson

ALVA ST

MCLAREN ST

MULDER ST

ELLIFSON AV

ALBERT

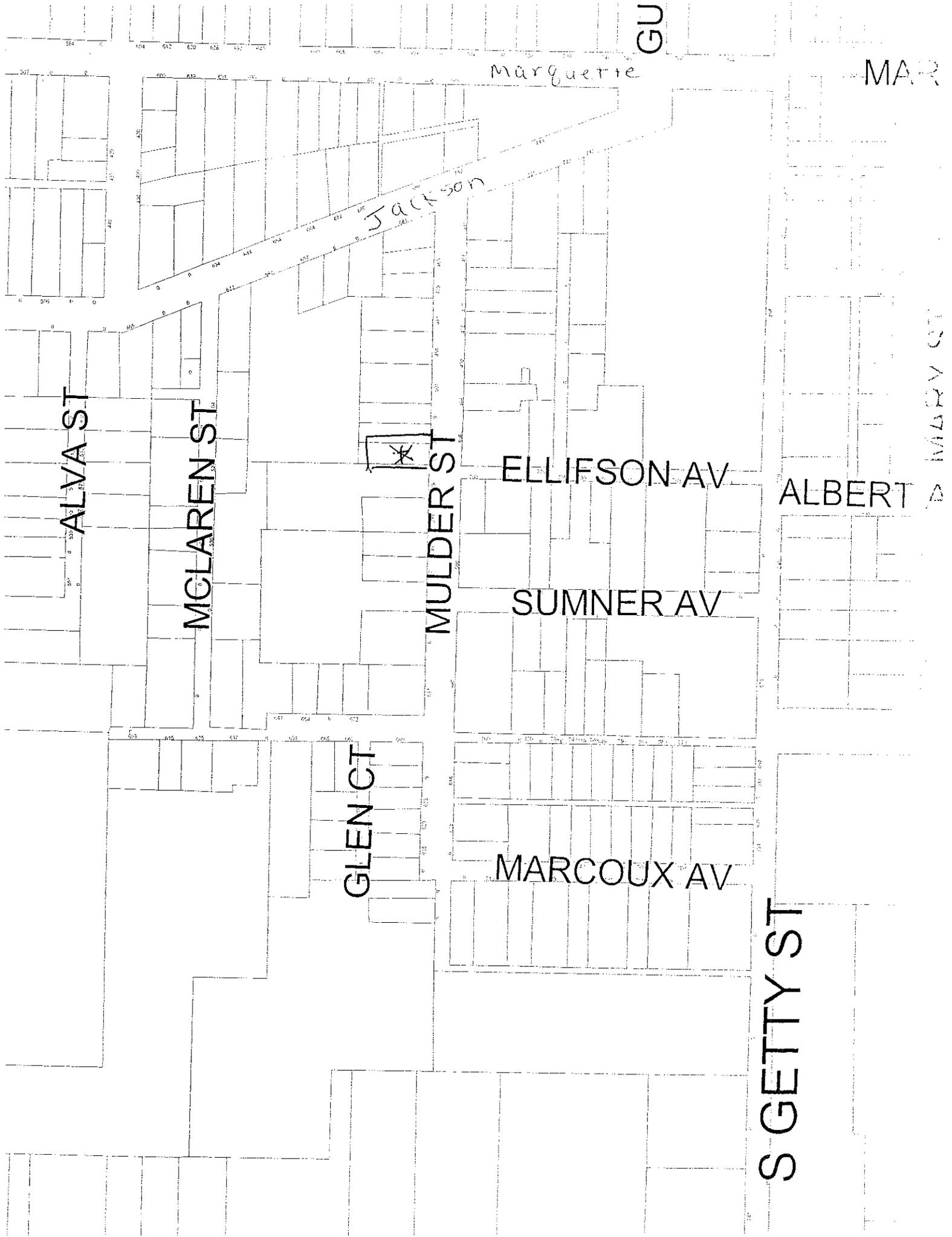
SUMNER AV

GLEN CT

MARCOUX AV

S GETTY ST

MARY CT



NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

521 Mulder (Garage only)
(Address of Property)

TO: All owners and interested parties:

Robert & Diane Dempsey, 310 Vashti Lane, Muskegon, MI 49442

None
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

AFFIDAVIT OF SERVICE OR MAILING

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: December 6, 2002

To: Robert & Diane Dempsey, 310 Vashti Lane, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 5, 2002 does hereby order that the following structure(s) located at 521 Mulder (Garage), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

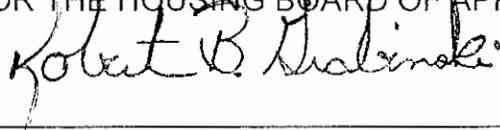
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script that reads "Robert B. Grabinski". The signature is written in black ink and is positioned directly below the printed text "FOR THE HOUSING BOARD OF APPEALS:". The signature is somewhat stylized, with a large initial 'R' and 'G'.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 521 Mulder (Garage)

TO: Robert & Diane Dempsey, 310 Vashti Lane, Muskegon, MI 49442
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair issued 9/26/02.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 26, 2002

Address of the Property: 521 Mulder (Garage), Muskegon, Michigan

TO: Robert & Diane Dempsey, 310 Vashti Lane, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

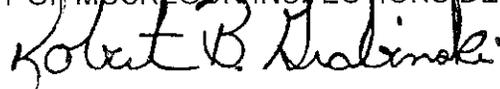
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 521 Mulder (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*521 Mulder
(GARAGE)*

9/11/02

Inspection noted:

1. Garage in state of partial collapse. Repair or complete demolition.
2. Footing and foundation inspection required.

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 / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

~~Jon Rolewicz
Nick Kroes
John Warner~~

The motion carried.

02-71 – 521 Mulder (Garage) – Robert & Diane Dempsey, 310 Vashti Lane, Muskegon

Mr. and Mrs. Dempsey were present to represent this case. Nick Kroes asked what their plan was for the garage. Mr. Dempsey stated he would like to re-roof the garage. Mr. Grabinski stated that a foundation inspection would be required. Mr. Dempsey also stated he might want to rebuild on the existing footprint, which would have to be approved through the zoning department. He does not currently have the finances to rebuild, he's not working. The garage collapsed in 2001. Right now it's being used to store some appliances. He wants to sell the house. It is vacant at this time and he does not want to rent it out again since his previous experience renting it out was not good.

Mr. Grabinski stated his only choice is to declare the building a dangerous structure, but explained to Mr. Dempsey that he has time until the case would go before commission and even after that to move forward with whatever he decides to do. It was highly recommended by John Warner and Nick Kroes to check with zoning right away and tear down the garage himself to save demolition fees. It was also recommended that he call the Inspection office and schedule Henry Faltinowski to inspect the structure to help clarify if it is worth saving.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Randy Mackie and seconded by Jerry Bever to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
John Warner

Clara Shepherd

The motion carried.

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on December 5, 2002. The property is described as follows:

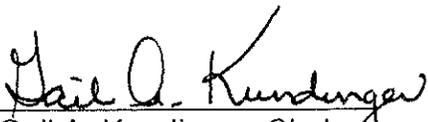
*S 39 ½ ft. Lot 14 Blk 19

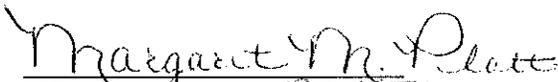
Also known as: **521 MULDER**

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:


Linda Potter


Gail A. Kunding, Clerk


Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of December 2002 by Gail A. Kunding, Clerk respectively, for and on behalf of the City of Muskegon.


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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

DATE: February 17, 2003

2003-219 4

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-050-
1129 Sanford.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1129 Sanford** 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: 02-050 – 1129 Sanford

Location and ownership: This structure is located on Sanford between Houston and Monroe. It is owned by Robert Alberts.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/4/02. An inspection report was written at that time. Upon issuing a Notice and Order to repair or remove, the owner advised that the home was sold on a land contract to someone else. Permits were issued in February 2002, but the work was not finished. There has been no contact from the current owner. On December 5, 2002 the HBA declared the building dangerous and substandard.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$14,100

Estimated Cost of Repairs: \$12,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, February 26, 2003.



1129 Sanford



HAMILTON AV

HOUSTON AV

MONROE AV

SANFORD ST

MERRILL



0
196
0

197
187
0

194
184
1095
1085
1079
1073
1063

387
381
153

1144

1144
1130
1124
1141
1133
1121

0
139

1205
0
121
1219
1225

1201

1192
1186
1182
1174
1178
1168
1160
1191
1185
1179
1173
1163

1140
1124
1120
1114
1110
1143
1135
1129
1121
1115
1111

1094
1086
1074
1093
1085
1075

1044
0
86
80
0

1218
1212
0
1231
1225
1221
1209

1226
0
1218
1208

1192
1184
1176
1170
1164
1158
1152
1134
1130
1124
31

1094
1086
0
1065
0
0
0
0

For The Inspection Department
City of Muskegon

File #: 421881

FROM CITY ASSESSOR'S RECORDS

OWNER: Barbara Malmquist
PROPERTY: 1129 Sanford
PARCEL NO: 24-205-363-0008-00
DESCRIPTION: N 44 Ft. Lot 8 Blk 363

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1319
PAGE: 246
DATE OF DEED: April 19, 1985
GRANTOR NAME & ADDRESS: Thomas W. Royle and Connie M.
Royle, 12935 Cleveland, Nunica, Mi 49448
GRANTEE NAME & ADDRESS: Barbara B. Malmquist, 81 Hamilton
Avenue, Apt. # 34, Muskegon, MI 49441
LIENS OR MORTGAGES: 3417/396
TODAY'S DATE: September 13, 2002
EFFECTIVE DATE: August 22, 2002 at 8:00 AM
Abstracted by: Judy A. Banner
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

WARRANTY DEED
STATUTORY FORM
FOR INDIVIDUALS

LIBER 1319 PAGE 240

R I X

KNOW ALL MEN BY THESE PRESENTS That Thomas W. Royle and wife Connie M. Royle
whose street number and postoffice address is 12935 Cleveland, Nunica, Michigan 49448

Convey and Warrant to Barbara B. Malmquist
whose street number and postoffice address is 81 Hamilton Avenue, Apt. #34, Muskegon, Michigan 49441

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

The North 44 feet of lot 8, Block 363, Revised Plat (of 1903)
of the City of Muskegon, as Recorded in Liber 3 of Plats,
Page 71, Muskegon County Records.

STATE OF MICHIGAN
MUSKEGON COUNTY
1985 JUL 15 P 3:56

for the sum of THIRTEEN THOUSAND FIVE HUNDRED & NO/100 DOLLARS (\$13,500 00)

subject to easements and restrictions of record

Dated this 19th day of April 1985

Signed and Sealed in presence of

Signed and Sealed

Alden V. Hardick
Alden V. Hardick
Deborah K. Siemion
Deborah K. Siemion

Thomas W. Royle (U.S.)
Thomas W. Royle
Connie M. Royle (U.S.)
Connie M. Royle

STATE OF MICHIGAN
COUNTY OF Ottawa

The foregoing instrument was acknowledged before me this 19th day of April 1985
by (1) Thomas W. Royle and wife Connie M. Royle

My Commission expires *Sept 30 1985*
Deborah K. Siemion
Deborah K. Siemion
Notary Public, Ottawa County, Michigan

*Note: (1) insert date (2) insert name of person(s) acknowledged (grantor) (3) signature of person taking acknowledgment

Muskegon, Mich: County *Washtenaw* Certificate *885*
"I hereby certify that there are no tax liens or titles held by the
state or any individual against the within description, and all
taxes on same are paid to the extent previous to the date of
this instrument, as appears by the records in my office."
No. *020006* *Wm R. Andrew*

5 9 9 1 0 1
MUSKEGON COUNTY
STATE OF MICHIGAN
Dept. of Taxation JUL 15 1985
REAL ESTATE TRANSFER TAX \$ 14.85
F.B. 10000

- Please note the following:
1. Marital status of each male grantor must be indicated.
 2. The name of each person who signs this instrument shall be legibly printed, typewritten or stamped upon such instrument immediately hereath the signature of such person.
 3. If the notarial act is performed outside the State of Michigan, the acknowledgment must show the rank or title and serial number, if any, of the person taking the acknowledgment. The official seal of the person performing the notarial act outside the State of Michigan should be affixed to the deed.

Drafted by: Barbara B. Malmquist
Business address: 81 Hamilton Ave. #34
Muskegon, MI 49441

After recording return to: Barbara B. Malmquist
81 Hamilton Ave. #34

LIBER 1319 PAGE 240

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

1129 Sanford
(Address of Property)

TO: All owners and interested parties:

Robert Alberts, 15924 O'Brien Court, Grand Haven, MI 49417

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

AFFIDAVIT OF SERVICE OR MAILING

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: December 6, 2002

To: Robert Alberts, 15924 O'Brien Court, Grand Haven, MI 49417
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 5, 2002 does hereby order that the following structure(s) located at **1129 Sanford**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

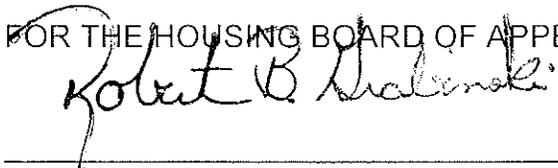
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink that reads "Robert B. Grabinski". The signature is written in a cursive style with a large initial 'R'.

Robert B. Grabinski, Director of Inspections

December 2, 2002

To Whom It May Concern:

I do not wish to receive any more notices regarding 1129 Sanford St. I sold the property to Barbara Malmquist and have no interest in the property any more.


Thomas Royle

Start

Mechanical Permit Application

Street Address:	1129 SANFORD ST	
Property Number:	24-205-363-0008-00	
Owners Name:	MALMQUIST BARBARA B	
Owners Address:	81 HAMILTON AVE APT 34 MUSKEGON MI 49441	
Permit No:	ME-02-7101	
Requested by:	Owner	
Contractor:	N/A	
Architect:	N/A	
Category:	MECHANICAL	
Permit Type:	ALTERATION	
Type of Building:	R	
Description:	INSTALL NEW GAS FORCED AIR SYSTEM - REPLACING BOILER	
Dates:	App Date: 02/19/2002 Issue Date: 02/22/2002	
Value:	N/A	
	Item	Quantity
	Heating -Residential Heating System(Ducts and Hot Water Piping)	1.0

This application has been approved

Start

Plumbing Permit Application

Street Address:	1129 SANFORD ST
Property Number:	24-205-363-0008-00
Owners Name:	MALMOQUIST BARBARA B
Owners Address:	81 HAMILTON AVE APT 34 MUSKEGON MI 49441
Permit No:	PL-02-7099
Requested by:	Owner
Contractor:	N/A
Architect:	N/A
Category:	PLUMBING
Permit Type:	ALTERATION
Type of Building:	R
Description:	REPLACE 2 TOILETS AND 3 SINKS
Dates:	App Date: 02/19/2002 Issue Date: 02/22/2002
Value:	N/A

Item	Quantity
Permit Base Fee (Non-refundable)	1.0
Fixtures, Floor Drains, Hospital Laboratory Devices	5.0

This application has been approved

Approved: Yes No

By: **Note:**

Date: 02/22/2002

EDIT PERMIT

Start

Building Permit Application

Street Address:	1129 SANFORD ST		
Property Number:	24-205-363-0008-00		
Owners Name:	MALMQUIST BARBARA B		
Owners Address:	81 HAMILTON AVE APT 34 MUSKEGON MI 49441		
Permit No:	BD-02-7087		
Requested by:	Owner		
Contractor:	N/A		
Architect:	N/A		
Category:	BUILDING		
Permit Type:	RENOVATION		
Type of Building:	R		
Description:	INSTALL SIDING; NEW PANELING, CARPETING; NEW CABINETS; TRIMWORK		
Dates:	App Date: 02/19/2002 Issue Date: 02/19/2002		
Value:	\$4,000.00		
<table border="1"> <thead> <tr> <th>Item</th> <th>Quantity</th> </tr> </thead> </table>		Item	Quantity
Item	Quantity		

This application has been approved

Approved: Yes No

By: Note:

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 1129 Sanford

TO: Robert Alberts, 15924 O'Brien Court, Grand Haven, MI 49417
[Name & Address of Owner]

Thomas Royle, 227 E. Savidge St. Spring Lake, MI 49456-1725
[Names & Addresses of Other Interested Parties]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair issued 10/10/02.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By _____

Robert B. Grabinski, Director of Inspections

231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

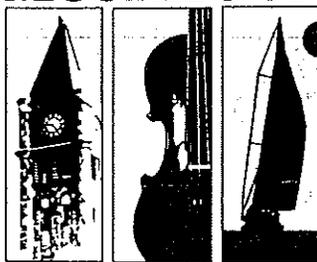
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

November 1, 2002

Robert Alberts
15924 O'Brien Court
Grand Haven, MI 49417

Re: 1129 Sanford, Muskegon, MI

Dear Mr. Alberts:

The structure at the address noted above has been determined to be a dangerous building by the City of Muskegon Building Inspector. The attached Notice and Order to Repair or Remove was issued October 10, 2002, but as your name was not on the title search, you were not notified.

The previous owner notified us that you bought the house in the 1980's from Thomas Royle and were sent the deed, but you must not have recorded it.

Also enclosed is the inspection report, noting all violations.

If you have any questions regarding this, please call the Inspection Department at 231-724-6715.

Sincerely,

Robert B. Grabinski
Director Inspection Services

RBG/lg

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

7000 0520 0013 9767 4360

1129 Sanford

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Robert Alberts
Street, Apt. No., or PO Box No.

City, State, ZIP+4

City of Muskegon, 933 Terrace Street, P.O. Box 1

Please Refer to Instructions

4734 Sunny Loop
Holiday FL 34690
Oct. 28, 2002

Dear Mr. Grabinski,

I am writing in regard to your notice of the demolition of property at 1129 Sanford Street.

I am not the owner. Back in the 1980's a Robert Alberts of 15924 O'Brien Court, Grand Haven, MI was buying the house from Thomas Royal on a Land Contract. He planned to use it for rental purposes. When Mr. Royal wanted to sell the Land Contract, I bought it from him. Mr. Alberts continued payments and when it was paid off I sent him the deed. Perhaps he never recorded it as instructed, but he owned it free and clear. I certainly have no interest in the property at all. Mr. Alberts last phone number in Grand Haven was 847-1303.

Yours truly,
Barbara B. Malquist

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: October 10, 2002

Address of the Property: 1129 Sanford

TO: Barbara Malmquist, Sunny Loop, Holiday, FL 34690

[Name & Address of Owner]

Thomas Royle, 227 E. Savidge St., Spring Lake, MI 49456-1725

(Interested Parties)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1129 Sanford**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1129 SANFORD

9/6/02

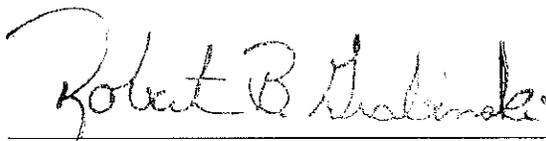
Inspection noted:

1. Chimney brick deteriorated.
2. Exterior needs painting.
3. Foundation needs tuckpointing.
4. Roof needs repairs – drip edge is required.
5. Windows cracked or broken and open.
6. Open doors.
7. Side porch loose and improperly constructed. (Rear)
8. Side porch (front) improperly installed.

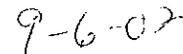
INTERIOR

1. Ceilings and walls are damaged.
2. New plumbing is required.
3. New electrical installed without permits.
4. Stairs to upper need repair.
5. New floor coverings required.
6. Smoke detectors required to code.
7. No heat in structure.

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.



ROBERT B. GRABINSKI, DIRECTOR OF INSPECTIONS



DATE

#02-050 – 1129 Sanford – Barbara Malmquist – mailing address in Florida

No one was present to represent this case. It has been vacant and is currently boarded.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by John Warner and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman Randy Mackie Jerry Bever Jon Rolewicz Nick Kroes John Warner		Clara Shepherd	

The motion carried.

~~**#02-075 – 1884 Smith (Garage) – Credit Based Asset Service & Douglas & Cheryl Hiatt, same address.**~~

~~Mr. Grabinski stated there is a new owner who intends to live there and repair the garage.~~

~~Staff Recommendation: Table this case for 30 days to allow the owner time to repair.~~

~~A motion was made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.~~

~~A roll call vote was taken:~~

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman Randy Mackie Jerry Bever		Clara Shepherd	

2003-219) 5

DATE: February 13, 2003
TO: Honorable Mayor and City Commissioners
FROM: Robert B. Grabinski, Director of Inspections
Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #01-051-Address: 1166 W. Grand.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1166 W. Grand** 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: #01-051 – 1166 W. Grand

Location and ownership: This structure is located on W. Grand west of Barclay at the end of the cul de sac. It was owned by Kenneth & Maryjane Sanford and they sold it on a land contract to James & Tamara Ward. An inspection was conducted on 11/15/01 due to complaints regarding the exterior condition of the home. A notice and order to repair or remove was issued 2/26/02. The case was heard before the HBA on May 2, 2002 and it was tabled for 180 days. At that time it was ordered that the repairs to the front of the house be completed within 30 days and the exterior repairs be completed within 90 days. It was stated if the conditions were met, the case would not be brought back to the HBA. The exterior repairs were not completed and the case was heard again before the HBA on 12/5/02. The Wards were not present, but they called the office on 11/27/02 and stated they had been working inside and spent a large amount of money on the electrical work and that the front of the house would be completed within 60 days. There has been no contact with the owners since that date. The HBA declared it dangerous and substandard on 12/5/02.

Staff Correspondence: This property was fire damaged and had an inspection 4/1/02. It had been rented out previous with no Certificate of Compliance. An interior inspection was conducted on 4/15/02 with the property manager. The HBA ordered the structure demolished 7/11/02. The Notice and Order to repair or remove was issued 8/7/02.

Owner Contact: The owners were present at the 5/2/02 HBA meeting and stated they wanted to repair the house. They have called for some inspections, but there has been no contact since 11/27/02.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$26,500

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

Estimated Cost of Repairs: \$10,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 26, 2003.



1166 W. GRAND

W WESTERN AV

MICHIGAN AV

WASHINGTON AV

W GRAND AV

SOUTHERN AV

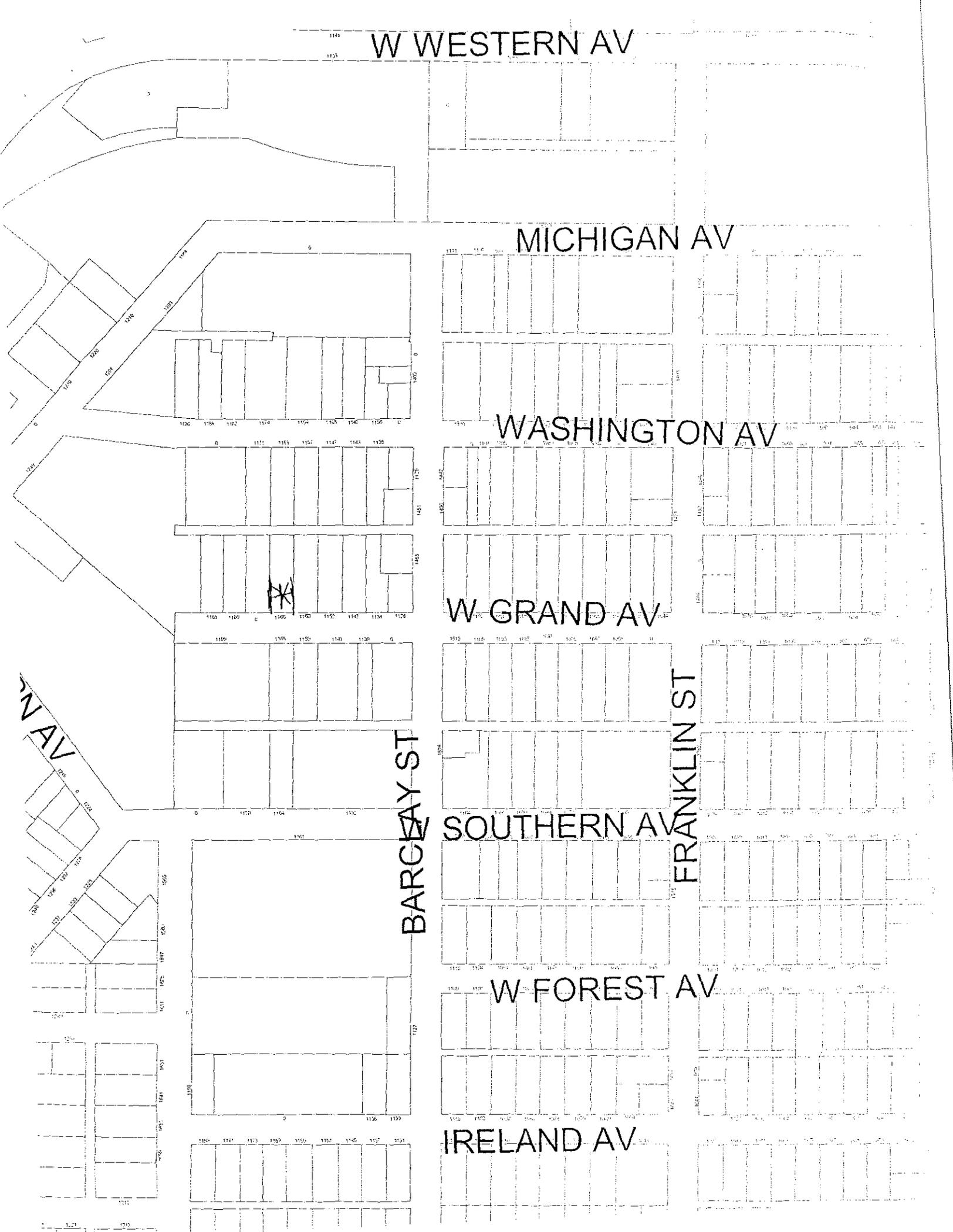
W FOREST AV

IRELAND AV

BARGLEY ST

FRANKLIN ST

W AV





Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122376
November 21, 2001

1. Beginning Date: 10/27/81, at 8:00 A.M.

Please See Attached Liber 1226, Page 748, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 10/26/2001, at 8:00 A.M.

Documents		
Deeds:	Miscellaneous:	Mortgages:
Liber 1226, Page 748	Liber 2239, Page 11	NONE

Taxes:

Proof of payment of special assessment for Sidewalk Assessment, due and payable to the City of Muskegon in the amount of \$1,195.17, if paid by November 30, 2001.

Proof of payment the delinquent water/sewer usage, due and payable to the City of Muskegon in the amount of \$38.84, if paid by November 30, 2001.

Proof of payment the Invoice Fees, due and payable to the City of Muskegon in the amount of \$220.00, if paid by November 30, 2001. (Invoice #9815551 and 9818917)

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$964.72, if paid by November 30, 2001. (Base amount - \$692.91)**

Note:

No 2001 Summer Taxes were assessed.
Permanent Parcel No.: 61-24-205-481-0014-00.
2001 State Equalized Value: \$23,900.00.
2001 Taxable Value: \$19,858.00.
Non-Homestead Property.

**NOTE: The 2000 Winter tax bill included a Sidewalk Assessment Installment in the amount of \$147.55)

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Rev. 2 20
WARRANTY DEED—No. 801.
(PHOTO-STAT)—(SHORT FORM).
(TAKE FORM AS NO. 1 AND NO. 1001).

THE SIEGAL PRESS, FLINT, MICHIGAN

Recorded	_____
at _____ o'clock	_____
Liber _____ of Deeds, Page _____	_____
Register of Deeds.	

This Indenture, Made this 22nd day of July, A. D., 19 80
 BETWEEN M. C. & Lillian Boonstra, husband & wife of 480 Ruddiman Drive, North Muskegon, Michigan of the first part,
 and Kenneth W. & Mary Jane Sanford, husband & wife, of 150 Grand Ave., Muskegon, Michigan of the second part,
 WITNESSETH, That the said part 103 of the first part, for and in consideration of the sum of TWO THOUSAND dollars (2,000.00) Dollars,

to them in hand paid by the said part 103 of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part 103 of the second part, and their heirs and assigns, FOREVER, all of a certain piece of or parcel of land situate and being in the City of Muskegon County of Muskegon and State of Michigan, and described as follows, to-wit: Lot Fourteen (14) of Block Four hundred Eighty-one (41) of the Revised Plat (of 1903) of the City of Muskegon, as per plat of record in the Office of the Register of Deeds for said County.

STATE OF MICHIGAN
 COUNTY OF MUSKEGON
 RECEIVED FEB 22 1981
 REG 021 27 P 1-48
 REGISTER OF DEEDS

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and To Hold the said premises, as herein described, with the appurtenances, unto the said part 103 of the second part and to their heirs and assigns, FOREVER. And the said M. C. & Lillian Boonstra, husband & wife part 103 of the first part, for their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part 103 of the second part their heirs and assigns, that at the time of the sealing and delivery of these presents they are well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

and that they will, and their heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

<u>Frances Sovo</u> Frances Sovo	<u>M. C. Boonstra</u> M. C. BOONSTRA	[L. S.]
<u>Linda Chaney</u> Linda Chaney	<u>Lillian Boonstra</u> LILLIAN BOONSTRA	[L. S.]

STATE OF MICHIGAN }
 COUNTY OF MUSKEGON }
 On this 22nd day of July, A. D. 19 80
 before me, M. C. & Lillian Boonstra, husband & wife in and for said County personally appeared

MUSKEGON COUNTY
 09034
 STATE OF MICHIGAN
 REAL ESTATE TRANSFER TAX
 Dept. of Taxation
 02.20
 P.8.10205

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be free act and deed.

Prepared by
 M. C. Boonstra
 480 Ruddiman Dr.
 No. Muskegon, MI

Frances Sovo
 Frances Sovo Notary Public,
 Muskegon County, Michigan.

My commission expires 9/21 1982
 NOTE 1. WHEN CONVEYANCE IS MADE BY CORPORATION OR PARTNERSHIP, THE FOLLOWING MAY BE INSERTED, WITH SUCCESSORS' AND OWNERS' LINE THROUGH THE WORD "THEY":
 (APPROVED BY JOHN AND CHARLENE COVAT 224)

LIBER 1226 PAGE 748

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

1166 W. Grand
(Address of Property)

TO: All owners and interested parties:

James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441

Kenneth & Maryjane Sanford, 2035 Henry St. Muskegon, MI 49441
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

AFFIDAVIT OF SERVICE OR MAILING

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: December 6, 2002

To: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
Owners Name & Address

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 5, 2002 does hereby order that the following structure(s) located at 1166 W. Grand, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

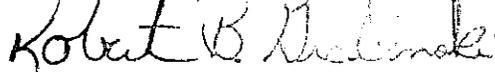
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 1166 W. Grand

TO: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review the status of repairs on the structure.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

Case #01-051 – 1166 W. Grand – James & Tamara Ward & Maryjane Sanford, 1160 W. Grand, Muskegon

Mary Sanford stated that she holds the land contract with James and Tamara Ward on this home. A tree fell on the front porch and has not been repaired yet. Mr. Grabinski stated there have been neighbor complaints and recently a police report from 4/15/02 stating there are car parts and junk in the back yard and the home appears to be in a state of disrepair. Mr. Ward stated the front porch was removed Friday, 4/26/02 and the back right side of the foundation was been repaired. He also stated there has been much work done on the inside. The window in the upstairs front bedroom is not permanent, it was stuck in instead of boarding the front. They will install an egress window. The Wards stated they have done a lot of work and only one neighbor complains, most neighbors are happy with what they have done. They live next door and have been trying to get the inside done, so they can move in. They have had electrical and building inspections. Mr. Kroes asked when the exterior work can be done. There was discussion on time frames required by Inspections. There was also discussion on how the exterior needs to be repaired, whether it has to be sided completely or just on the front. The sides that are wood can be painted, the front is to be sided.

Staff Recommendation: Complete the front exterior within 30 days, remaining exterior within 90 days, allow monthly progress inspections, and table this case for 180 days. If progress continues it will not be brought back in 180 days. If progress stops it will come back to the HBA.

Motion made by Randy Mackie, supported by Jon Rolewicz to support staff's recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
John Warner			
Jerry Bever			
Jon Rolewicz			
Clara Shepherd			
Nick Kroes			

The motion carried.

~~Case #02-06- 1836 Nevada – MLA Inc. 90521 Schoenherr, Warren, MI 48093~~

~~Robert Parker was present to represent this property. He is considering buying it. Board stated this house looks very bad, they saw it last night. Mr. Grabinski~~

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 180 DAYS

Date of Order: May 3, 2002

Address of the property: 1166 W. Grand

To: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
Owners Name & Address

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

CASE TABLED FOR 180 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled until the November 2002 HBA meeting. It has also been ordered that the repairs to the front of the house be completed within 30 days of the date of this letter, the exterior repairs be completed within 90 days of the date of this letter, and that you call for progress inspections every 30 days. The exterior repairs do not include siding the whole house. The sides that are wood can be painted. If these conditions are met, the case will not be brought back to the Housing Board of Appeals.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

Start

Building Permit Application [Edit](#)

Street Address:	1166 W GRAND AVE				
Property Number:	24-205-481-0014-00				
Owners Name:	TIMMERMAN ERIC/HEATHER				
Owners Address:	1166 W GRAND AVE MUSKEGON MI 49441				
Permit No:	BD-01-6693				
Requested by:	Owner				
Contractor:	N/A				
Architect:	N/A				
Category:	BUILDING				
Permit Type:	ALTERATION				
Type of Building:	R				
Description:	INSTALL SIDING ON FRONT OF DWELLING; DRYWALL 3 ROOMS; COMPLETE ROOM UNDER CONSTRUCTION; THRESHOLD AT FRONT DOOR				
Dates:	App Date: 12/03/2001 Issue Date: 12/07/2001				
Value:	\$2,500.00				
<table border="1"> <thead> <tr> <th>Item</th> <th>Quantity</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee</td> <td>83.25</td> </tr> </tbody> </table>		Item	Quantity	Building Permit Fee	83.25
Item	Quantity				
Building Permit Fee	83.25				

This application has been approved

Approved: Yes No

By: **Note:**

Date: 12/12/2001

EDIT PERMIT

PIN: [Edit](#)

01/15/2002

City of Muskegon

Start

Electrical Permit Application [Edit](#)

Street Address: 1166 W GRAND AVE
Property Number: 24-205-481-0014-00
Owners Name: TIMMERMAN ERIC/HEATHER
Owners Address: 1166 W GRAND AVE
 MUSKEGON MI 49441
Permit No: EL-02-6789
Requested by: Owner
Contractor: N/A
Architect: N/A
Category: ELECTRICAL
Permit Type: ALTERATION
Type of Building: R
Description: PARTIAL REWIRING - INSTALL SMOKE DETECTORS
Dates: **App Date:** 12/19/2001 **Issue Date:** 12/21/2001
Value: N/A

Item	Quantity
Permit Base Fee	1.0
Circuits each	5.0
Lighting Fixtures - per 25	1.0
Inspections - Final Inspection	1.0

This application has been approved

Approved: Yes No

By: Note:

Date: 01/10/2002

EDIT PERMIT

PIN:

01/15/2002

City of Muskegon

Incident Report

MUSKEGON POLICE DEPARTMENT

2002-007748-I

Incident No 2002-007748-I	Date & Time Rept 04/15/2002 09:59	Offense: 55000 HEALTH AND SAFETY		
Occurred From: 04/15/2002 09:59	Occurred Until: 04/15/2002 09:59	Incident Location 1180 W GRAND AV		
Current Disp CLOSED	Disposed To CLOSED SHIREY	Municipality MUSKEGON	District 115	
Disposition Date 04/15/2002	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10649 DIBBLE, JODI LYNN		Investigating Officer		

NOTES

copy to inspections

OFFENSE: INFO Police Information

=CAD TIMES: 10:35;00:00;00:00;00:00;

P	Name/Address/Phone	Description		
	NO PERSONS			
	Description/Name/Comments	Make/Model/Stat	Serial No./Qty/Value	
	NO PROPERTY			
	Status/Plate Type/VIN	Reg/Evid/Value	Description	
	NO VEHICLES			
	Category	Description		
	NO M.O. INFORMATION			

*1166 W. Grand
File*

Incident No	Date & Time Rept	Offense: 55000
2002-007748-I	04/15/2002 09:59	HEALTH AND SAFETY

N TAKEN FROM WORDPERFECT DOCUMENT 2002007748.001

A I was driving the alleys due to past complaints when I noticed
R that in the rear of this yard there were car parts. Also the there
R appeared to junk on the back porch and the north east side of the
A house appeared to be in a state of repair that had never been
T finished. When driving around to the front to get the address the
I porch roof is sagging. It appears that some type of repair is
V being done to the front of the house but it is unknown when these
E repairs were done or if there is a permit. There was no address on
the front of the house but is between 1160 and 1180 W. Grand.

Dibble 59

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: April 18, 2002

Address of the Property: 1166 W. Grand

Description of the Structure: Lot 14, & N 16 ½ ft. of Grand Ave. abutting same Blk 481

TO: Eric/Heather Timmerman, 1166 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & Mary Jane Sanford, 1160 W. Grand, Muskegon, MI 49441
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, May 2, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair dated 2/26/02.

At the hearing on Thursday, May 2, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By

Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: February 26, 2002

Address of the Property: 1166 W. Grand, Muskegon, Michigan

TO: Eric/Heather Timmerman, 1166 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & Mary Jane Sanford, 1160 W. Grand Muskegon, MI 49441
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

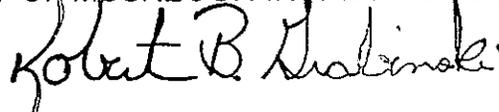
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1166 W. Grand, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

1166 W. Grand Ave.

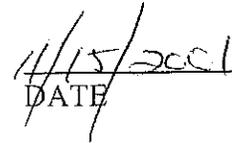
11/15/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Front porch damaged by tree – needs structural repair.
3. Broken windows on home.
4. Working on home with no permits, interior and exterior of home.
5. Contacted owner – owner stated a financial problem. Have not had contact with owner since and no permits have been issued at this date.

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

#01-051 – 1166 W. Grand, James & Tamara Ward, same address

The Wards were not present for the meeting. Mrs. Ward called the Inspection office and stated they would not be able to attend due to a court case in White Cloud. She also stated they have been working on the interior and spent \$2700 on electrical repairs. Some of the board members drove by the house and it was stated there is OSB halfway down the rafters and the windows are not finished. They were ordered to install egress windows and it appears to be 28 x 28 windows. At the last HBA hearing they attended in May 2002, they were given 30 days to finish the front of the house, 90 days to finish the exterior, and 180 days to completely finish. They were also ordered to have 30 day progress inspections. They have not complied.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by John Warner and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
John Warner

Clara Shepherd

The motion carried.

~~**#00-069 – 1573 Terrace – Ratan Khatri**~~

~~This case was brought back before the board because in July the board ordered the new owner to schedule an interior inspection within 30 days and it was not done. Mr. Khatri stated that he did not have the funds until now to rehab the house and he did not realize he was supposed to schedule the interior inspection within 30 days of the last meeting for this case. Keeping the house secure has been a problem also. Jon Rolewicz stated the back door is currently open. Mr. Grabinski asked how much time Mr. Khatri needs to finish the rehab after the interior inspection is done and Mr. Khatri stated he will be done in January 2003.~~

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on December 5, 2002. The property is described as follows:

* S 82 ft. Lot 13 Blk 64

Also known as: 1166 W. GRAND

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Linda Potter
Linda Potter

Gail A. Kunderger
Gail A. Kunderger, Clerk

Margaret M. Platt
Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of December 2002 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.

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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786