

MUSKEGON COUNTY BOARD OF COMMISSIONERS
Community Development/Strategic Planning Committee
AGENDA

January 21, 2021 – 4:00 PM
Electronic via Zoom



Doug Brown, Chair
Susie Hughes, Vice-Chair

Connect to Zoom from your computer, tablet or smartphone at:

<https://zoom.us/j/97292196612?pwd=MStnWi81MTJhT0hTW5YT1FueDBDZz09>

Join by phone at: 312.626.6799
Meeting ID: 972 9219 6612
Passcode: 305280

Cell phones may mute & unmute by dialing *6
Raise and lower hand to speak by dialing *9

To raise your digital hand from your PC or
MAC, at the bottom of the window on the right
side of the screen, click the button labeled
"Raise Hand"

View the meeting on YouTube at:

<https://www.co.muskegon.mi.us/1597/Board-Meeting-Videos>

- 1) Call to Order
- 2) Roll Call
- 3) Approval of the Minutes of December 10, 2020
- 4) Public Comment (on an agenda item)
- 5) Items for Consideration

*Board Work Session:
County Courts and
Supreme Court Administrative
Office to be held at 3:00 p.m. today*

CDSP21/01 – 01 (Bob Lukens) to grant the City of Muskegon a perpetual and permanent easement and right of way under, through, and across a section of land in the County's Heritage Landing property containing a sanitary sewer line for the cost of \$1.00.

- 6) Unfinished Business
- 7) New Business
- 8) Public Comment
- 9) Final Board Comment
- 10) Adjournment

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours' notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

MUSKEGON COUNTY BOARD OF COMMISSIONERS
Community Development / Strategic Planning Committee

December 10, 2020
3:30 p.m. via Zoom

Charles Nash, Chair
Ken Mahoney, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Nash at 3:31 p.m.

ROLL CALL

Present: Gary Foster, Marcia Hovey-Wright, Susie Hughes, Zach Lahring, Bob Scolnik,
I. John Snider, II, Rillastine Wilkins, Charles Nash

Excused: Kenneth Mahoney

Also Present: Mark Eisenbarth, County Administrator; Kathy Tharp, Administrative Coordinator

APPROVAL OF MINUTES

It was moved by Commissioner Foster, supported by Commissioner Hovey-Wright, to approve the minutes of the May 14, 2020 meeting as written. Motion Carried.

PUBLIC COMMENT

None

ITEMS FOR CONSIDERATION

CD/SP20/12 - 08 It was moved by Commissioner Snider, supported by Commissioner Hovey-Wright, to approve the Lakeshore Museum Center's FY2021 budget

Roll Call:

Yes: Susie Hughes, Zach Lahring, Robert Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster, Marcia Hovey-Wright, Charles Nash

No: None Motion carried.

CDSP20/12 - 09 It was moved by Commissioner Foster, supported by Commissioner Hovey-Wright, to reallocate \$250,000 from the Parks fund balance to a new budget called "Dune Harbor Park" for the purpose of matching private, foundation, and MDNR grants and to establish a budget to open the Dune Harbor Park (Nugent Sand property) after acquisition by the County.

Roll Call:

Yes: Zach Lahring, Robert Scolnik, I. John Snider, II, Rillastine Wilkins, Gary Foster, Marcia Hovey-Wright, Susie Hughes, Charles Nash

No: None Motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

Drain Commissioner Brenda Moore stated how excited she is about the new public park.

FINAL BOARD COMMENT

None

ADJOURNMENT

There being no further business to come before the Community Development / Strategic Planning Committee, the meeting adjourned at 3:51 p.m.

Muskegon County Community Development / Strategic Planning Committee

Request for Board Approval

Requestor: Robert M. Lukens

Committee Date: 01/21/2021

Requesting Department: Community
Development/Public Works

Full Board Date: 01/26/2021

Budget: Budgeted



Agenda Number: CDSP21/01 - 01

Suggested Motion: *(State the following exactly as it should appear in the minutes.)*

Move to grant the City of Muskegon a perpetual and permanent easement and right of way under, through, and across a section of land in the County's Heritage Landing property containing a sanitary sewer line for the cost of \$1.00.

Summary of Request: *(General description of financing, other operational impact, possible alternatives.)*

This motion seeks to grant the City of Muskegon access to a sanitary sewer line running under the County-owned Heritage Landing property, The easement and right of way will be used for the purpose of the construction, installation, maintenance, repair, replacement, re-installation, operation, and inspection the sanitary sewer line and accessories, running under, through and across the Heritage Landing property.

Kristen Wade, HR Director Analysis Required? No	Beth Dick, Finance Director/Management Analysis: ✓ 
Michael Homier, Corporate Counsel Analysis Required? Yes	Mark Eisenbarth, County Administrator Recommendation: ✓ 

SANITARY SEWER EASEMENT

THIS INDENTURE, made and entered into this _____ day of _____, 2020, by and between **MUSKEGON COUNTY**, whose address is 990 Terrace Street, Muskegon, MI 49442, , hereinafter referred to as "Grantor," and **CITY OF MUSKEGON**, a body corporate, as authorized by the Constitution of the State of Michigan, whose address is 933 Terrace Street, Muskegon, MI 49440, hereinafter referred to as "City";

WITNESSETH:

For and in consideration of the sum of One Dollar (\$1.00), paid to Grantor, the receipt of which is hereby acknowledged, Grantor does hereby grant unto City, its successors and assigns, a non-exclusive perpetual and permanent easement and right of way, under, through and across a certain piece or parcel of land situated in the City of Muskegon, in the County of Muskegon and STATE OF MICHIGAN, the piece or parcel of land being owned by Grantor in fee simple and described as follows:

HERITAGE LANDING PROPERTY DESCRIPTION:

CITY OF MUSKEGON, REVISED PLAT OF 1903, ENTIRE BLKS 571 & 572, EXC THE FOL DESC PROPERTIES

EXC THAT PART OF BLK 571 DESC AS
COM ON NLY LN WESTERN AVE WHERE DIVIDING LN BETWEEN LOTS 2 & 3 OF BLK 570
INT SD NLY LN WESTERN AVE TH N 38D 32M W 441.73 FT TH S 51D 28M W 200 FT TO POINT
ON NLY ROW LN GTWRR FOR POB TH N 38D 32M W TO CENTER OF MUSKEGON LAKE
(BEING HEREINAFTER REFERRED TO AS FIRST DESC LINE) TH RECOMM AT POB TH SWLY
ALG NLY LN SD RR ROW TO PT WHICH IS 250 FT S 51D 28M W OF FIRST DESC LN TH N 38D
32M W TO CENT OF MUSKEGON LAKE TH N 51D 28M E ALG CENT OF MUSK LAKE 250 FT
TO INT WITH FIRST DESC LN & POB TOGETHER WITH PERPETUAL ESMNT FOR
INGRESS/EGRESS AS RECOR'D 3065/434

ALSO EXC THAT PART DESC AS
THAT PART OF BLK 571 COM AT A PT ON NLY LN OF WESTERN AVE 391.5 FT WLY OF SE
COR OF BLK 570 TH N 38.32 W 359 FT TO SLY LN OF ROW HERETOFORE GRANTED BY
FIRST PARTIES TO TOLEDO SAGINAW & MUSKEGON RAILWAY CO FOR POB TH IN A
NWLY DIRECTION ALG SLY LN OF SD ROW 202.4 FT TH N 38.32W TO THE CNTR OF
MUSKEGON LAKE TH SELY PAR TO THE SLY LN OF SD ROW HERETOFORE GRANTED T S
& M RAILWAY CO 202.4 FT TH S 38.32E TO POB

TOGETHER WITH AN ESMNT FOR INGRESS/EGRESS 335/567
ALSO EXC ANY PORTION WITHIN THIS PROPERTY DEEDED TO CITY OF MUSKEGON FOR
THE EXTENTION OF 7TH ST INTO HERITAGE LANDING PROPERTY.

EASEMENT DESCRIPTION:

A 25 FOOT WIDE EASEMENT, 12.5 FOOT EACH SIDE OF THE FOLLOWING DESCRIBED
CENTERLINE BEING PART OF SECTION 30, TOWN 10 NORTH, RANGE 16 WEST, CITY OF
MUSKEGON, MUSKEGON COUNTY, MICHIGAN:
COMMENCING AT A FOUND "X" CUT IN CONCRETE AT THE INTERSECTION OF THE
EASTERLY ROW LINE OF 8TH STREET AND THE NORTHERLY LINE OF W CLAY AVE;
THENCE NORTH 38°20'49" WEST 300.13 FEET ALONG SAID EASTERLY LINE TO

A FOUND "X" CUT IN CONCRETE AT THE INTERSECTION OF THE EASTERLY LINE OF 8TH STREET AND THE SOUTHERLY LINE OF WESTERN AVENUE; THENCE NORTH 51°34'17" EAST 34.95 FEET ALONG SAID SOUTHERLY LINE; THENCE NORTH 41°55'11" WEST 203.98 FEET MORE OR LESS TO THE NORTHERLY LINE OF THE EXISTING RAILROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 41°55'11" WEST 46.24 FEET TO A SANITARY MANHOLE; THENCE NORTH 01°40'01" EAST 263.90 FEET TO A POINT 15.00 FEET NORTH 01°40'01" EAST OF A SANITARY MANHOLE AND THE POINT OF ENDING.

This Easement is exempt from ad valorem transfer tax by reason of MCL 207.526, Section 6(a) and MCL 207.505, Section 5(a).

The easement and right of way granted herein shall be for the purpose of the construction, installation, maintenance, repair, replacement, reinstallation, operation, and inspection of said sanitary sewer line and accessories, running under, through and across the above-described Easement Description.

The easement and right of way granted herein shall include the right to enter upon sufficient land of Grantor adjacent to the Easement Description ("Adjacent Land") as is required for the construction, installation, maintenance, repair, replacement, reinstallation, operation and inspection of said sanitary sewer line. In exercising its rights to enter Adjacent Land, City shall conduct its activities in a manner that will minimize its presence on land outside of the easement and right of way. Each time it enters the Adjacent Land, City shall, at its sole expense, restore it to the condition it was in immediately prior to entry.

TERM: Said easement and right of way under, through and across the above-described Easement Description, for the use and benefit of City, its successors and assigns, shall be perpetual until City ceases to use such sewer; at which time the sewer shall be removed

AUTHORITY: Grantor warrants that they have the right and authority to grant this easement as above-described and own the lands covered by the Easement Description.

RESTORATION: The easement and right of way shall include, but not be limited to, City's right to enter upon the Easement Description at such times as may be reasonably necessary to construct, maintain, repair, replace, reinstall and inspect its sanitary sewer line across, through and under the above-described Easement Description, together with the right to excavate a trench or ditch for the location of said sanitary sewer line. City shall have the further right to remove trees, brush, undergrowth and other obstructions situated upon the above-described Easement Description interfering with the location, construction, maintenance or repair of said sanitary sewer line. As a consideration for the City to have the right to construct and install said sanitary sewer line, City shall be obligated, at its sole expense (i) to fill, compact to 95% density, and grade to ground level the trench or ditch occupied by said sanitary sewer line and (ii) to restore the drives, parking areas, shrubs or grass to their former condition, insofar as is reasonably possible. City does further covenant and agree that in the event it shall become necessary, at any time, to enter upon the above-described Easement Description for the purpose of maintenance, repair, replacement, construction or reinstallation of said sanitary sewer line, City shall, at its sole expense, return said piece or parcel of land to the same condition as before such maintenance or repair upon the completion of the same, insofar as is reasonably possible.

INDEMNIFICATION: City agrees to fully defend, indemnify, save and keep harmless the Grantor from any and all claims for damage to real and personal property and injuries and death suffered by persons in any manner caused by or growing out of or in any way connected with the construction, installation, repair, maintenance or presence of said sanitary sewer line, under and across the piece or parcel of land of Grantor or the presence of City or its employees, guests, invitees, contractors and agents upon the Easement Description or Adjacent Land. Grantor agrees that they will provide prior notification to the Grantee before constructing any permanent structure within the easement and allow adequate time to assess the impacts of any proposed structure and identify solutions for maintaining sanitary sewer functionality.

The pronouns and relative words herein are written in the masculine and singular only. If more than one joins in, or be either of the feminine sex or a business entity, such words shall be read as if written in plural, feminine or neuter, respectively.

The Grantor has caused these presents to be signed the day and year first above written.

Sign here: _____

Print here: _____

Sign here: _____

Print here: _____

Address: Muskegon County
990 Terrace Street
Muskegon, MI 49442

STATE OF MICHIGAN)
)
 ss.
COUNTY OF _____)

On this ____ day of _____, 2020, before me, a Notary Public, in and for said County, personally appeared _____, to me known to be the same persons described in and who executed the within instrument, who each acknowledged the same to be their own free act and deed.

Sign here: _____

Print here: _____

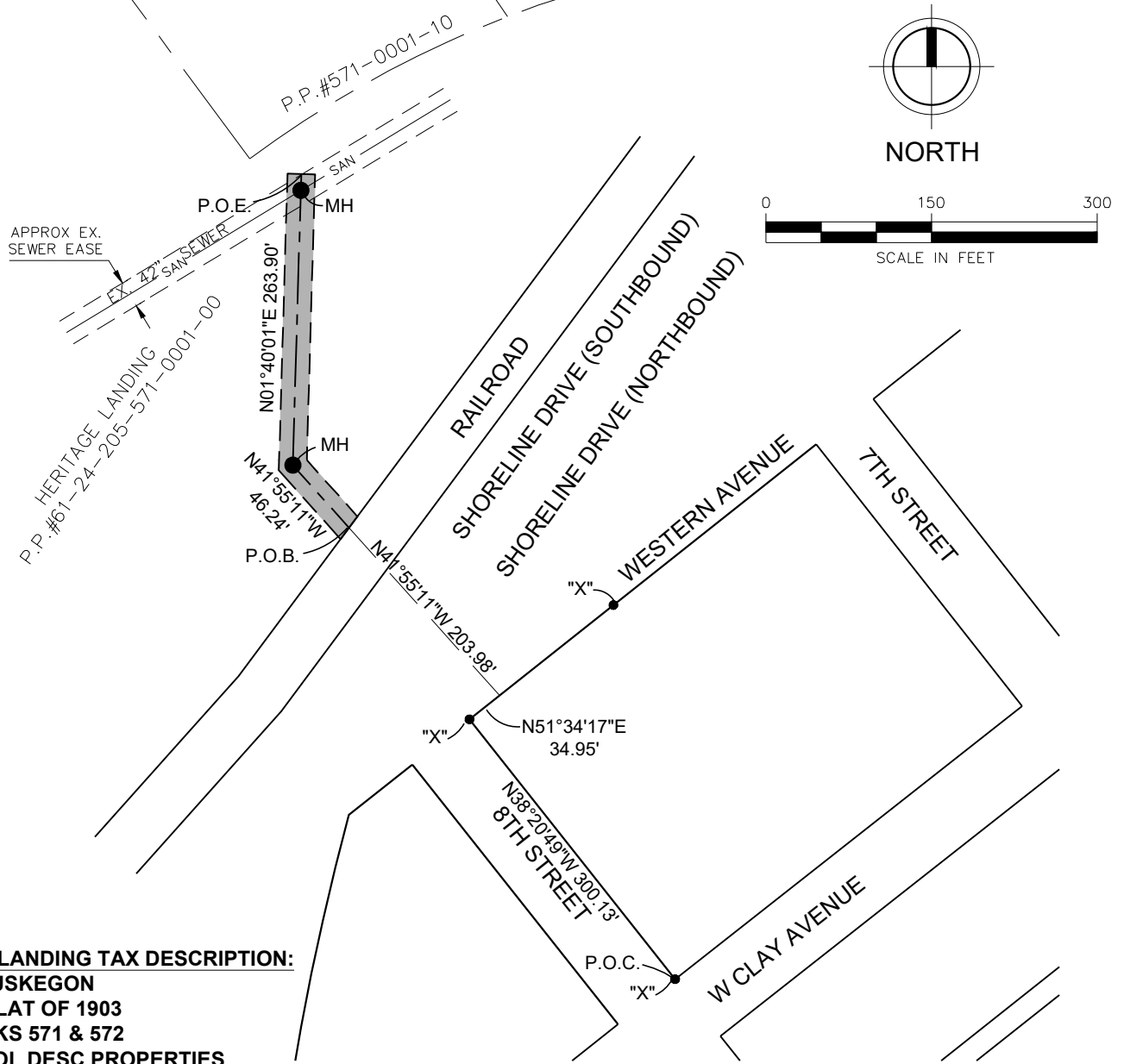
Notary Public
_____ County, Michigan

My Commission Expires: _____

Prepared By:

Fleis & VandenBrink Engineering, Inc
316 Morris Avenue, Suite. 230
Muskegon, MI 49440

SKETCH OF EASEMENT



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 REVISED PLAT OF 1903
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F&V PROJECT NO.
837930

FLEIS & VANDENBRINK
 DESIGN. BUILD. OPERATE.
 316 Morris Avenue, Suite 230
 Muskegon, MI 49440
 P: 231.726.1000
 F: 231.726.2200

SKETCH OF EASEMENT
 SECTION 30, T10N, R16W
 MUSKEGON CO, MICHIGAN
CITY OF MUSKEGON
 1051 7TH ST/ P.P.#61-24-205-571-0001-00