

There came on for consideration at a meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on the **18th** day of **March, 2014**, the following Resolution:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PARCEL OF LAND IS IN SUCH A STATE OF UNCLEANLINESS AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENRY OF THE CITY AND AUTHORIZING ADVERTISEMENT FOR BIDS TO HAVE SAID LAND CLEARED AND CLEANED AND TO ASSESS THE COSTS TO THE SAID PROPERTY**

**WHEREAS**, Mayor and City Council of the City of Diamondhead, Mississippi, (the "City"), pursuant to Mississippi Code Annotated Section 21-19-11, 1972, as amended, finds, determines, and adjudicates, based upon the investigation of the City's Building Department, that the parcel of land described below is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the citizenry of the City; and

**WHEREAS**, said property, as described herein, is within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi; and

**WHEREAS**, the parcel investigated by the Building Department and recommended by the Building Official for adjudication as being in such a state of uncleanness as to be a menace to the public health, safety and welfare of the citizenry of the City is identified as:

Tax Identification Parcel Number 0131B-0-01-098.000

574 Anoai Place, Diamondhead Phase 2, Unit 5, Block 2, Lots 3 & 4

Clean and cut the grounds including shrubs; Remove all trash, rubbish and debris to a proper disposal site i.e. building forms, materials and pallets, barrels, plumbing fixtures, pipes and tires (James K. Overstreet)

**WHEREAS**, notice to the property owner was provided by the City pursuant to Mississippi Code Annotated Section 21-19-11, 1972, as amended, via legal notice of hearing published in Sea Coast Echo on January 25, 2014, a copy of said proof of publication being attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, the Mayor and City Council of the City of Diamondhead further find, determine and adjudicate that advertisement for bids to clean the above referenced properties should be made in the form and manner as provided by law; and

**WHEREAS,** the Mayor and City Council further find, determine and adjudicate that the cost of the demolition and/or lot cleanup shall not exceed the aggregate amount of \$10,000.00 per parcel per calendar year or the fair market value of the property subsequent to cleaning, whichever is less. Said amount shall be assessed as a lien against said property as provided by law and shall be enrolled in the office of the Circuit Clerk of Hancock County, Mississippi as other judgments are enrolled.

**WHEREAS,** the Mayor and City Council of the City of Diamondhead further find, determine and grant authority to the Building Department to re-enter the property not more than five (5) times for a period of one (1) year without any further hearings if notice is posted on this property and at City Hall, 5000 Diamondhead Circle, Diamondhead, MS 39525 at least ten (10) days prior to re-entering the property for resolution of the same type of violation;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

**SECTION 2.** That the property located at 574 Anoi Place, Diamondhead, Mississippi, (Tax Identification Parcel Number 0131B-0-01-098.000)

be and hereby is declared to be a menace to the public health, safety and welfare of the citizenry of the City of Diamondhead.

**SECTION 3.** That the City Clerk be and hereby is authorized to advertise for bids to cut and clean the property described hereinabove and lying within corporate boundaries of the City of Diamondhead, Hancock County, Mississippi, as well as remove all trash, rubbish and debris to a proper disposal site i.e. building forms, materials and pallets, barrels, plumbing fixtures, pipes and tires,

**SECTION 4.** That the cost of cleanup of the herein described property, including any penalty assessed, shall be a lien against said property as provided by law and shall be enrolled in the office of the Circuit Clerk of Hancock County, Mississippi.

**SECTION 5.** That the Mayor and City Council of the City of Diamondhead further find, determine and hereby grant authority to the Building Department to re-enter

the property not more than five (5) times for a period of one (1) year without any further hearings if notice is posted on this property and at City Hall, 5000 Diamondhead Circle, Diamondhead, MS 39525 at least ten (10) days prior to re-entering the property for resolution of the same type of violation.

Councilmember \_\_\_\_\_ moved the adoption of the Resolution, which motion was seconded by Councilmember \_\_\_\_\_.

Upon being put to a roll call vote, the following ballots were cast:

YEAS:      NAYS:      ABSENT:

- Lopez \_\_\_\_\_
- Lafontaine \_\_\_\_\_
- Sislow \_\_\_\_\_
- Rech \_\_\_\_\_
- Knobloch \_\_\_\_\_
- Schafer \_\_\_\_\_

WHEREUPON the Mayor declared the motion carried and the Resolution adopted, this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST: \_\_\_\_\_ ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

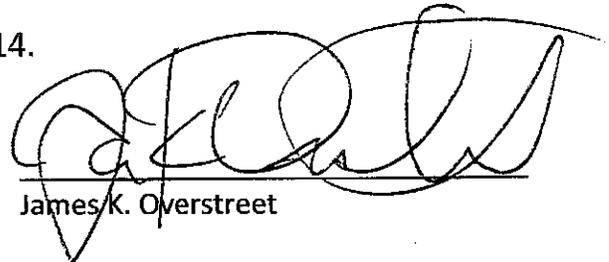
**County of Hancock  
State of Mississippi**

I, James K. Overstreet, acknowledge receipt of the following:

1. Notice to Clean Property dated December 17, 2013;
2. Proof of Publication for Notice of Hearing for Property located at 574 Anoi Place, Diamondhead, Mississippi, 39525;
3. Section 21-19-11, MS Code Annotated, 1972; and
4. Section 302, International Property Maintenance Code.

I hereby agree to an extension of thirty (30) days to comply with the cleanup provisions outlined in the above referenced documents. Further, I agree to notify the building official for the City of Diamondhead prior to the expiration of said extension period of cleanup completion and agree to schedule a mutually acceptable time for inspection prior to March 18, 2014. I agree to reappear before the Diamondhead City Council at its regularly scheduled meeting beginning at 6:00 p.m. CST on March 18, 2014.

This the 18<sup>th</sup> day February, 2014.



James K. Overstreet



# City of Diamondhead

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5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

TO: Mayor and City Council

FROM: Ronald R. Jones, CBO  
Building Official

DATE: February 18, 2014

SUBJECT: 574 Anoi Place; Overstreet  
Condition of Property

- Received the complaint on 7-24-13 through Councilman Ernie Knobloch. He attended a recent community meeting with residents who live near this address. He was reminded about the slab and condition of the property at 574 Anoi Place. "The property contains a barrel, a bath tub, lots of wooden planks, etc. etc. It's a total disaster and it's located adjacent to property that has a house on it."
- File was opened on 7-25-13
- Determined owner of property by Hancock County records
- Took pictures at different times showing building forms, materials and pallets, barrels, bricks, plumbing fixtures and pipes and tires. See attached photos.
- By certified mail dated 12-17-13, sent notice to clean property and notice of hearing on 1-7-14; sent certified letter to James K. Overstreet, P.O. Box 6543, Diamondhead, MS 39525. Letter returned unclaimed from USPS dated 1-13-14 4:05 pm.
- Published legal notice of hearing in Sea Coast Echo on 1-25-14 for a 2-18-14 hearing at 6:30 pm before the City Council to adjudicate whether the real property at 574 Anoi Place is in such a state of uncleanliness as to be a menace to the public health, safety and general welfare of its citizenry and to authorize advertisement for bids. See attached proof of publication.

"Exhibit A"

# The Sea Coast Echo

Since 1892

POST OFFICE BOX 2009  
BAY SAINT LOUIS, MS 39521-2009

## PROOF OF PUBLICATION

STATE OF MISSISSIPPI  
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State, JAMES R. PONDER, publisher of THE SEA COAST ECHO, a newspaper printed and published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

On the 25 day of January 2014  
On the \_\_\_\_\_ day of \_\_\_\_\_ 2014  
On the \_\_\_\_\_ day of \_\_\_\_\_ 2014  
On the \_\_\_\_\_ day of \_\_\_\_\_ 2014

James R. Ponder

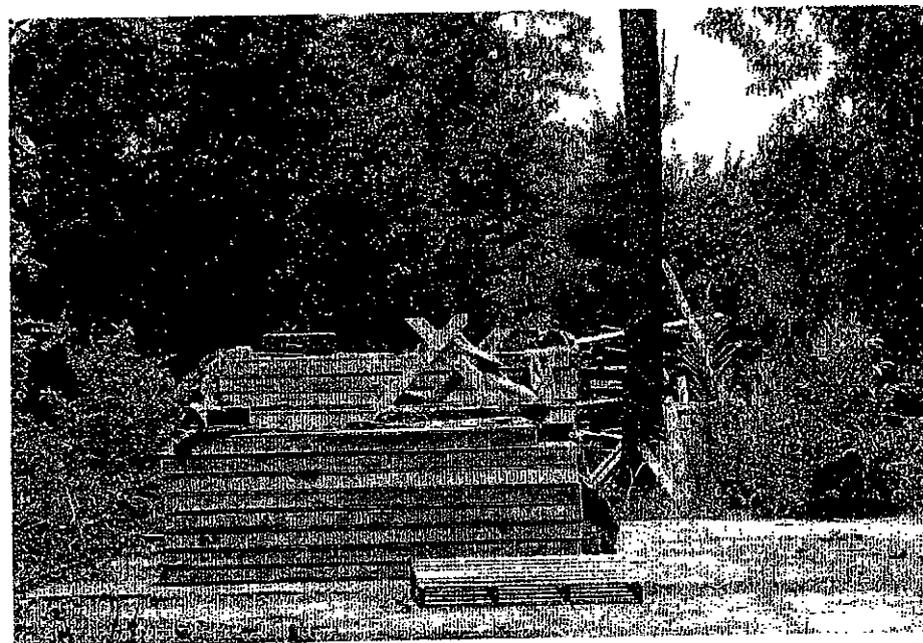
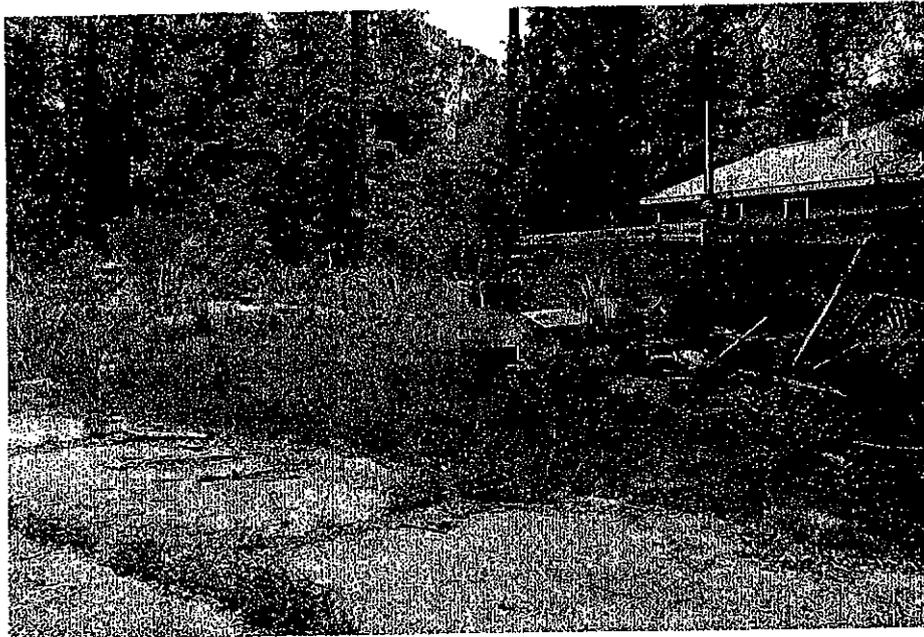
LEGAL NOTICE OF HEARING  
Pursuant to Section 22-119-1, Mississippi Code, Annotated, 1972, amended, JAMES R. OVERSTREET, and any and all persons with an interest in the above described property are hereby notified that on January 20, 2014, at 8:30 AM in the City of Diamondhead, Mississippi, the City of Diamondhead, Mississippi, shall hold a public hearing to determine whether the real property described as Lots 24, Diamondhead, Phase II, Unit 2, Block 2 of "Arctic" parcel, in the County of Hancock, State of Mississippi, Parcel Number 01-004-000, is such a nuisance to the public health, safety and general welfare of the community. Pursuant to Section 22-119-1, Mississippi Code, 1972, amended, an application for a hearing will be made to the City of Diamondhead to condemn the property and take such actions as necessary to clean up property to the point said property no longer poses a threat to the public health, safety and general welfare of the community. Said hearing will also authorize the City to enter this property for a period of one (1) year without entry further hearings notice posted on this property and at CH 1445 5000 Diamondhead Circle, Diamondhead, MS at least seven (7) days before this property is condemned for removal of the same type of violation. Application for the existence of such a nuisance shall empower the City of Diamondhead to clean said property and assess the cost of cleaning to said parcel assessed to property taxes and/or posted to the Hancock County Judgment Pool. James R. Ponder, Publisher, City of Diamondhead, Mississippi, 01/25/14

Sworn to and subscribed before me A NOTARY PUBLIC

[Signature]

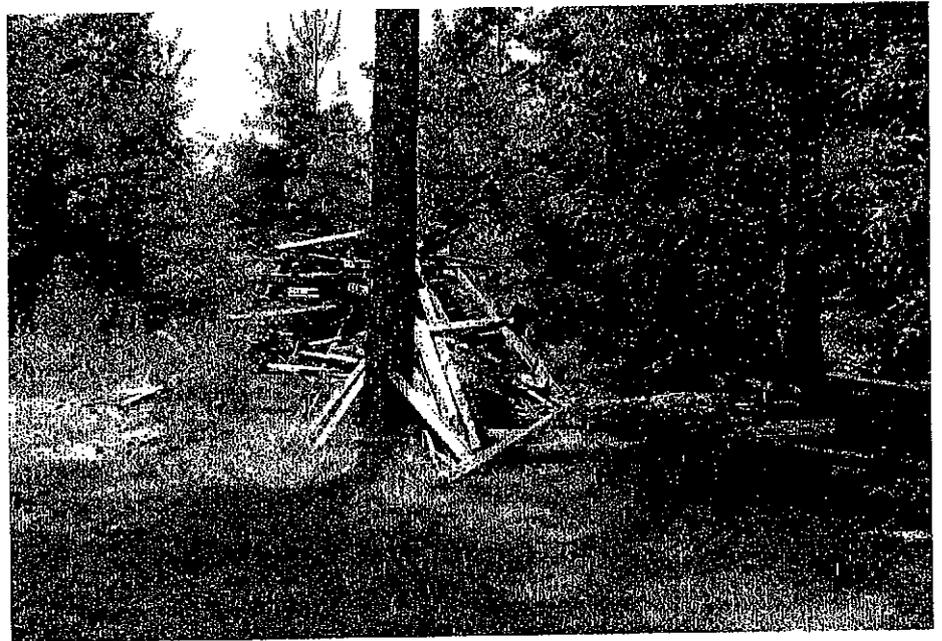
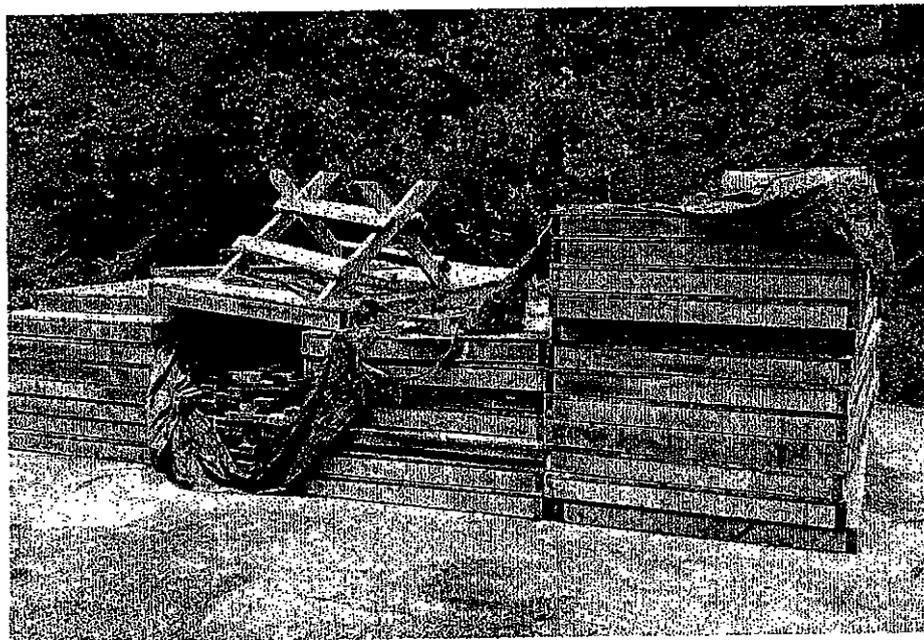
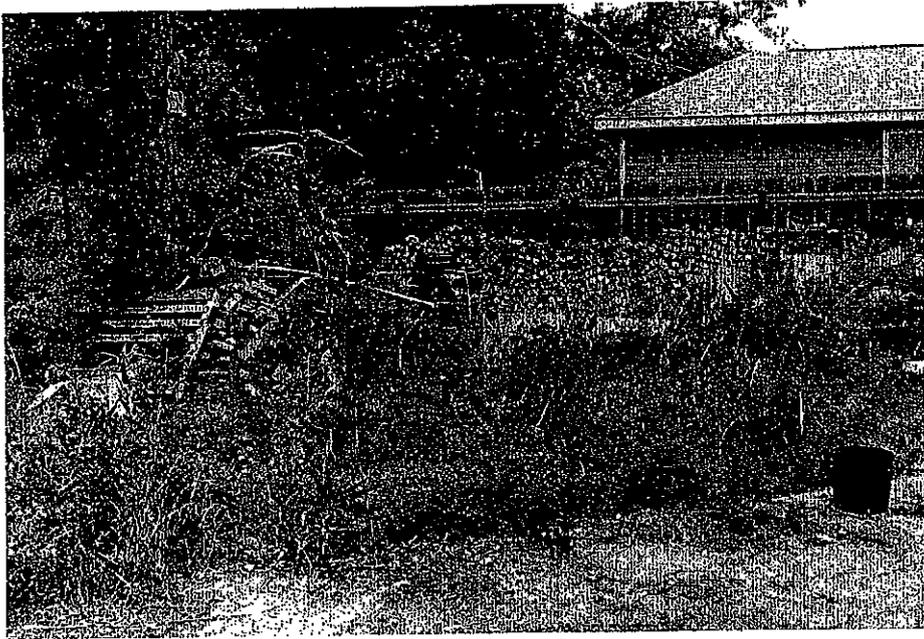
this January 27 2014

Notary Public State of Mississippi At Large  
My Commission Expires: November 01, 2017



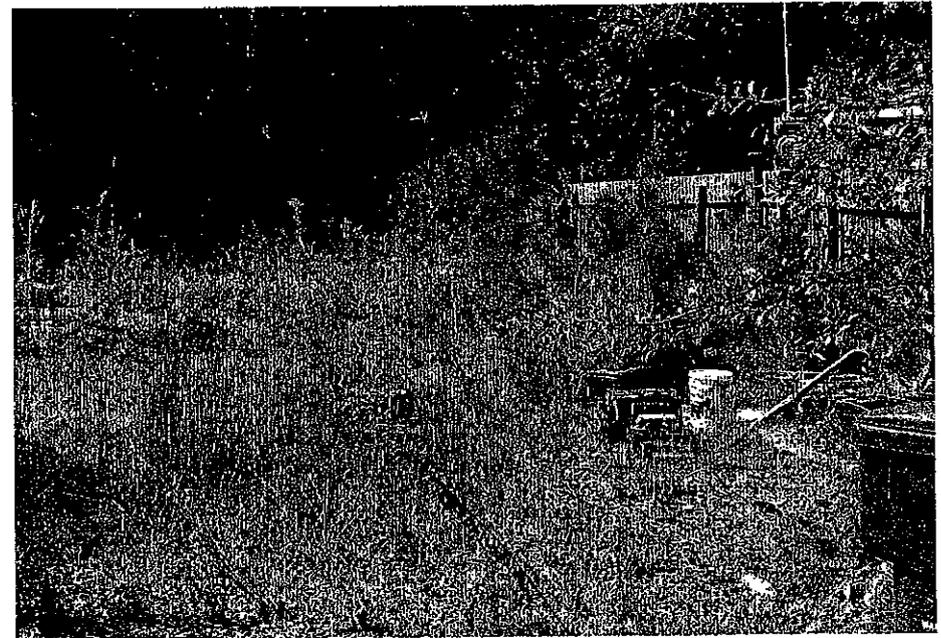
7/25/2013

1:32 pm



7/25/2013

1:32 pm



9/27/13



10/~~10~~<sup>14</sup>/13

11:42 am



10/29/13



*pic taken by Ronald Jones on 1-16-14 @ 12 noon.*

# The Sea Coast Echo

Since 1892

POST OFFICE BOX 2009  
 BAY SAINT LOUIS, MS 39521-2009

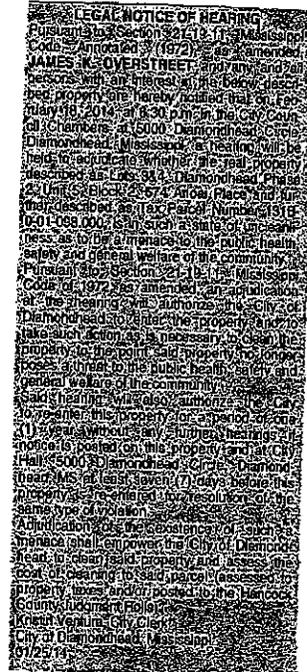
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 On the \_\_\_\_\_ day of \_\_\_\_\_ 2014

James R. Ponder



Sworn to and subscribed before me A NOTARY PUBLIC

Judith M. Ladner

this January 27 2014

Notary Public State of Mississippi At Large  
 My Commission Expires: November 01, 2017