

There came on for consideration at a meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on the **5th** day of **JULY, 2016**, 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 AND STRUCTURE ARE 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 STRUCTURE DEMOLISHED 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 and structure described below are in such a state of uncleanliness and overgrown as to be a menace to the public health, safety and welfare of the citizenry of the City; and

**WHEREAS**, said structure, as described herein, was declared unsafe and unfit for human occupancy and condemned as set forth in a letter dated April 29, 2016 to James Ahlman, III. The structure was ordered to be demolished within 30 days of April 29, 2016. The evidence supporting those declarations are incorporated herein by reference; and

**WHEREAS**, the Mayor and City Council upheld the declarations and order of the Building Official in the April 29, 2016 letter in an appeal hearing on 6-7-16 requested by James Ahlman III; and

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

**WHEREAS**, the parcel and structure investigated by the Building Department and recommended by the Building Official for adjudication as being in such a state of uncleanliness, overgrown and structure unfit for human occupancy 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 067G-1-25-181.000

10751 Limu Way, Diamondhead Phase 1, Unit 4, Block 8, Lot 12

Clean and cut the grounds including shrubs; Demolish the structure; Remove all trash, rubbish, debris and materials to a proper disposal site (James K. Ahlman III)

**WHEREAS**, notice to the property owner was provided by the City pursuant to Mississippi Code Annotated Section 21-19-11, 1972, as amended, via notice of hearing received by James Ahlman III on 6-13-16 at approximately 2:30 p.m., a copy of said notice 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 and structure located at 10751 Limu Way, Diamondhead, Mississippi, (Tax Identification Parcel Number 067G-1-25-181.000)

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 and demolish the structure described hereinabove and lying within corporate boundaries of the City of Diamondhead, Hancock County, Mississippi, as well as remove all trash, rubbish, debris and materials to a proper disposal site,

**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:

	<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Lopez	_____	_____	_____
Woolbright	_____	_____	_____
Sislow	_____	_____	_____
Rech	_____	_____	_____
Knobloch	_____	_____	_____
Schafer	_____	_____	_____

WHEREUPON the Mayor declared the motion carried and the Resolution adopted, the \_\_\_\_\_ day of July, 2016.

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

\_\_\_\_\_  
Jeannie Klein, CITY CLERK

\_\_\_\_\_  
Thomas E. Schafer, IV, MAYOR

seal



# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

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

*Received by James Ahlman  
ON 6-13-16 at 2:30 p.m.*

*James O Ahlman III*

Return Receipt Requested

June 13, 2016

Mr. James Ahlman, III, Robert Sauter or current owner  
10751 Limu Way  
Diamondhead, MS 39525

7011 2970 0003 8957 1336

RE: 10751 Limu Way-Diamondhead, MS  
Parcel Number 067G-1-25-181.000  
Unsafe and Condemned Structure; Unfit for Human Occupancy  
Overgrown Property

Dear Mr. Ahlman:

Again, this letter will serve as your official notification that the above referenced structure has been declared unsafe and unfit for human occupancy and condemned as set forth in the April 29, 2016 letter. You were also advised to demolish the structure by April 29, 2016.

Violations of one or more of the following laws, statutes, codes or ordinances were identified: Section 21-19-11 (Miss Code Annotated, 1972 as amended) and the International Property Maintenance Code (IPMC).

The violations are as follows: Overgrown property, IPMC Section 302.4;  
MS Statute Section 21-19-11

Structure: IPMC (refer to April 29, 2016 letter); MS Statute Section 21-19-11

Based on the violations identified, the City requests that you take the following corrective actions:

Cut and clean the property including shrubs  
Demolish the structure and remove all trash, rubbish and materials to a proper disposal site

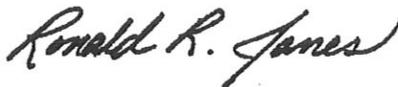
The City is asking that you please take the above actions within the next TWENTY ONE (21) days to prevent further action as set out in the paragraph below.

NOTICE OF HEARING

If you have not taken the above corrective actions within the 21 days provided, you are hereby given notice of and invited to attend a hearing before the Diamondhead City Council on July 5, 2016, at 6:00 PM in the City Council chambers at 5000 Diamondhead Circle, Diamondhead, MS 39525, on the violations set forth above. At this hearing, the City Council will be asked to adjudicate that the subject property is in a state of uncleanliness or a menace to the public health, safety and general welfare of the community. This adjudication will also authorize the City of Diamondhead to re-enter the property 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 at least seven (7) days prior to re-entering the property for resolution of the same type of violation. In addition, the City Council will be asked to authorize advertisement for bids to perform the necessary corrective actions. All costs incurred will be assessed to your property taxes and/or posted to the Hancock County Judgment Rolls. Please contact our office at 228-222-4626, if you have any questions about this letter or if the requested corrective actions are taken within the TWENTY ONE (21) day period in order to avoid our proceeding with a hearing on your property.

If you have any questions or comments, you may contact the Building Department at the above address or phone number. Thank you in advance for your immediate attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ronald R. Jones".

Ronald R. Jones, CBO  
Building Official

cc: Mayor and City Council  
City Manager  
City Attorney

There came on for consideration at a meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on the **5th** day of **JULY, 2016**, 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 WOODEN PORCH DEMOLISHED 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 and porch described below are in such a state of uncleanness and overgrown 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 and porch investigated by the Building Department and recommended by the Building Official for adjudication as being in such a state of uncleanness, overgrown and porch 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 067F-1-26-004.000

10744 Luawai Place, Diamondhead Phase 1, Unit 4, Block 5, Lots 56-57

Clean and cut the grounds including shrubs; Demolish the porch; Remove all trash, rubbish, debris and materials to a proper disposal site (David Michael Davis)

**WHEREAS**, notice to the property owner was provided by the City pursuant

to Mississippi Code Annotated Section 21-19-11, 1972, as amended; 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 and porch located at 10744 Luawai Place , Diamondhead, Mississippi, (Tax Identification Parcel Number 067F-1-26-004.000) 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 and demolish the porch described hereinabove and lying within corporate boundaries of the City of Diamondhead, Hancock County, Mississippi,

as well as remove all trash, rubbish, debris and materials to a proper disposal site,

**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:

	<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Lopez	_____	_____	_____
Woolbright	_____	_____	_____
Sislow	_____	_____	_____
Rech	_____	_____	_____
Knobloch	_____	_____	_____
Schafer	_____	_____	_____

WHEREUPON the Mayor declared the motion carried and the Resolution adopted, this the \_\_\_\_\_ day of July, 2016.

ATTEST:

ADOPTED:

\_\_\_\_\_  
Jeannie Klein, CITY CLERK

\_\_\_\_\_  
Thomas E. Schafer, IV, MAYOR

seal

