

There came on for consideration at a meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on the 16th day of April, 2019, 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 OR TO OBTAIN QUOTE(S) TO HAVE SAID LAND CLEARED AND CLEANED AND TO ASSESS THE COSTS TO THE SAID PROPERTY

WHEREAS, the Mayor and City Council of the City of Diamondhead, Mississippi, (the "City"), pursuant to Mississippi Code Annotated §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 uncleanliness and overgrowth 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 (SEE ATTACHED LETTER TO CHARLES A. BOUDREAUX AND PICTURES) as being in such a state of uncleanliness and overgrowth 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 067D-0-26-026.000
104219 Bayou Drive, Diamondhead Phase 2, Unit 9, Block 2, Lots 6 & 7

- Cut and clean the property, including shrubs and small trees;
- Remove all dead fallen limbs and trees;
- Demolish all structures;
- Remove all trash, rubbish, and materials to a proper disposal site.

WHEREAS, notice to the property owner was provided by the City pursuant to Mississippi Code Annotated §21-19-11, 1972, as amended, i.e. First-Class United States Mail to Charles A. Boudreaux, notice posted on the bulletin board at City Hall, and notice posted on the property at 104219 Bayou Drive, Diamondhead, Mississippi; and

WHEREAS, the Mayor and City Council of the City of Diamondhead further find, determine

and adjudicate that advertisement for bids or obtaining quotes to clean the above referenced property 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, and in the office of the Chancery Clerk of Hancock County, Mississippi; and

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, Mississippi 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 104219 Bayou Drive, Diamondhead, Hancock County, Mississippi, (Tax Identification Parcel Number 067D-0-26-026.000), be and hereby is declared to be a menace to the public health, safety, and welfare of the citizenry of the City of Diamondhead and the property owner be allowed 60 days to render the property compliant prior to any advertisement authorization provided herein.

SECTION 3. That the City Clerk be and hereby is authorized to advertise for bids or obtain quote(s) to cut and clean the property and the other items identified in the preamble as well as the violation letter dated March 21, 2019, to Charles A. Boudreaux, and to remove all trash, rubbish, and materials to a proper disposal site as described hereinabove and lying within the corporate boundaries

of the City of Diamondhead, Hancock County, Mississippi.

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, and in the office of the Chancery 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, Mississippi 39525, at least ten (10) days prior to re-entering the property for resolution of the same type of violation.

Councilmember Morgan moved for the adoption of the Resolution, which was seconded by Councilmember L'Ecuyer.

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

	<u>YEAS</u>	<u>NAYS</u>	<u>ABSENT</u>
Depreo	✓		
Moran	✓		
Morgan	✓		
Koenenn	✓		
L'Ecuyer	✓		
Schafer	✓		



WHEREUPON, the Mayor declared the Motion carried and the Resolution adopted, this the 16 day of April, 2019.

ATTEST:

CITY CLERK

ADOPTED:

MAYOR