

There came on for consideration at a meeting of the City Council of the City of Diamondhead, Mississippi, held on the **17th** day of **September, 2024**, the following Resolution:

A RESOLUTION THE CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PROPERTY HAS SEVERAL LARGE ROTTEN PINE TREES THAT POSES A SERIOUS PROBLEM TO THE COMMUNITY AND WELARE OF THE CITIZENRY OF THE CITY AND AUTHORIZING ADVERTISEMENT FOR BIDS OR TO OBTAIN QUOTE(S) TO REMOVE THE TREE LOCATED ON PARCEL NUMBER (067M-1-35-284.000) AND TO ASSESS THE COSTS TO THE SAID PROPERTY OWNER

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/Code Enforcement Department, that the uninhabited residence described below is such a menace to the public safety, and welfare of the citizenry of the City; and

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

WHEREAS, tree(s) located on the property have been investigated by the Building Department and recommended by the Code Enforcement Official for adjudication as the existence thereof is presenting serious concern and potential adverse effect to the public health, safety and welfare of the citizenry of the City is identified as:

Property is located at Bayou Drive, Diamondhead, Mississippi (Parcel Number 067M-1-35-284.000). The property is owned by Prominence Homes & Communities LLC.

WHEREAS, the property owner was provided notice by the City pursuant to Mississippi Code Annotated §21-19-11, 1972, as amended, by mail to Prominence Homes & Communities LLC, 2084 Valleydale Road, Birmingham, AL 35244, notice posted on site at Bayou Drive, Diamondhead, Mississippi by City of Diamondhead Code Enforcement Officer, A. J. Gambino and notice posted on the bulletin boards at City Hall, all within Diamondhead, Mississippi; and

WHEREAS, the City Council of the City of Diamondhead further finds, determines and adjudicates advertisement for bids or obtaining quotes the removal and disposal of tree(s) from the property located at Bayou Drive, Diamondhead, MS should be made in the form and manner as provided by law; and

WHEREAS, the City Council further finds, determines, and adjudicates that the cost of removal and disposal of said tree(s), shall not exceed the aggregate amount of \$20,000.00 per parcel per calendar year or the fair market value of the property subsequent to removal, whichever is more. Said amount including a penalty 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 /or in the office of the Chancery Clerk of Hancock County, Mississippi; and

WHEREAS, the City Council of the City of Diamondhead further finds, determines, and grants authority to the Building Department or designee to re-enter the properties for a period of two (2) years without any further hearings if notice is posted on these properties and at City Hall, 5000 Diamondhead Circle, Diamondhead, Mississippi 39525, at least seven (7) days prior to re-entering the properties for resolution of the same type of violation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNIL 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 Bayou Drive, Diamondhead, MS, 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 or obtain quote(s) and/or utilize city resources to remove and properly dispose of said tree(s) located on the above described property and lying within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi.

SECTION 4. That the cost of removal and disposal of said tree(s), including any penalty assessed, shall be a lien against said properties as provided by law and shall be enrolled in the office of the Circuit Clerk of Hancock County, Mississippi, and/ or in the office of the Chancery Clerk of Hancock County, Mississippi.

SECTION 5. That City Council of the City of Diamondhead further finds, determines, and hereby grants authority to the Building Department or any designee thereof to re-enter the property for a period of two (2) years without any further hearings if notice is posted on this property and at City Hall, 5000 Diamondhead Circle, Diamondhead, Mississippi 39525, at least seven (7) days prior to re-entering the properties for resolution of the same type of violation.

Councilmember Cumberland moved for the adoption of the Resolution,

which was seconded by Councilmember Depreo.

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

	Aye	Nay	Absent
Councilmember Finley	—	—	✓
Councilmember Liese	✓	—	—
Councilmember Cumberland	✓	—	—
Councilmember Clark	✓	—	—
Councilmember Maher	✓	—	—
Mayor Depreo	✓	—	—

WHEREUPON the Mayor declared the Motion carried and the Resolution adopted, this the 17th day of September, 2024.

ATTEST:


CITY CLERK

ADOPTED:


MAYOR

