

There came on for consideration at a meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on the **6th** day of **SEPTEMBER, 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, SWIMMING POOL DRAINED, CLEANED AND MAINTAINED 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 swimming pool 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 investigated by the Building Department and recommended by the Building Official for adjudication as being in such a state of uncleanness including the swimming pool and overgrown as to be a menace to the public health, safety and welfare of the citizenry of the City. The swimming pool has not been maintained resulting in insect attracting stagnant water. The property is identified as:

Tax Identification Parcel Number 068R-1-41-064.000

74609 Diamondhead Drive North, Diamondhead Phase 2, Unit 11, Block 12, Lots 13  
Cut and clean the property; trim or cut the overgrowth of all shrubs not to exceed 4' in height; remove all limbs to a proper disposal site;

Completely drain and clean the pool and it shall be continually maintained that water will not collect and become stagnant; If that is done, you shall have a self closing and locking gate to access the pool area. The other alternative is to completely fill in the pool up to the pool with earth to eliminate the safety and health hazard.

**WHEREAS**, notice to the property owner was provided by the City pursuant to Mississippi Code Annotated Section 21-19-11, 1972, as amended i.e. notice sent to Susan Wilson, notice posted on property and notice posted on bulletin board at City Hall 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 is located at 74609 Diamondhead Drive North,  
Diamondhead Phase 2, Unit 11, Block 12, Lot 13

(Tax Identification Parcel Number 068R-1-41-064.000)

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, completely drain and clean the pool, or fill in the pool with earth if not continually maintained 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>          </u>	<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Ward 1 vacant		✓	
Woolbright		✓	
Sislow			✓
Rech		✓	
Knobloch		✓	
Schafer		✓	

WHEREUPON the Mayor declared the motion carried and the Resolution adopted, this the 20th day of September, 2016.

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

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

Jamie Klein  
CITY CLERK

[Signature]  
MAYOR

