

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 **December, 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 AND POOL 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, abandoned structure and pool 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, dangerous and unfit for human occupancy and condemned as set forth in a letter dated October 11, 2016 to Alecia S. Cairns and OWCEN Loan Servicing. An appeal of the decision of the Building Official was not filed. This property has been abandoned for several years. The structure and pool was ordered to be repaired and ready for occupancy within 30 days from October 11, 2016. The evidence supporting those declarations are incorporated herein by reference; and

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

WHEREAS, the parcel, structure and pool 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 067D-0-26-016.000

10456 Haleiwa Place, Diamondhead Phase 2, Unit 9, Block 2, Lot 17

Clean and cut the property including shrubs; Demolish the structure and pool; Fill in the depression with earth to existing grade where pool was located; Remove all trash, rubbish, debris and materials to a proper disposal site (Cairns/OWCEN Loan Servicing)

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 to Cairns and OWCEN LOAN SERVICING dated 11-16-16, 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 10456 Haleiwa Place, Diamondhead, Mississippi, (Tax Identification Parcel Number 067D-0-26-016.000) 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 and pool 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 including fill in the depression with earth to existing grade where pool was located;

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 Depreo moved the adoption of the Resolution, which motion was seconded by Councilmember Knobloch.

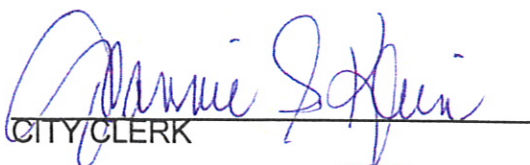
Upon being put to a roll call vote, the following ballots were cast:

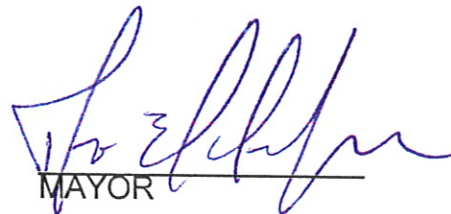
	<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Depreo	✓		
Woolbright	✓		
Sislow	✓		
Rech	✓		
Knobloch	✓		
Schafer	✓		

WHEREUPON the Mayor declared the motion carried and the Resolution adopted, this the 14th day of December, 2016.

ATTEST:

ADOPTED:


CITY CLERK


MAYOR

