MEMORANDUM

DATE: February 21, 2012

TO: Samantha D. Abell, City Manager

THRU: Patti Huffman, Grants and Projects Manager
Zack Duke, Interim Planning and Economic Development Director

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Lien/Council Order Request to Adjudicate Abatement Costs for 1502 Dailey Road

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ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the property identified below was abated to the satisfaction of the Planning and Economic Development Director and City Manager.

Per the attached invoice from TRI-STAR Demolition Service, who was authorized to demolish all non-compliant structures, remove and dispose of all material, cut back the undergrowth, and clean the property of all trash and debris. The City of Gautier, incurred a cost of $2,590.00 combined with a penalty fee of $1,500.00 equals a sum of $4,090.00.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on December 6, 2011. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property but agreed to allow the owner an additional thirty days to comply with property code violations or abate the property on his/her own accord. TRI-STAR Demolition Service completed the property abatement on February 15, 2012, to the satisfaction of the Planning and Economic Development Department.

APPLICABLE LAW:

Mississippi Statutes establishes the abatement process for public health, safety and welfare thus:

The governing authority may by resolution adjudicate the actual cost of cleaning the property and may impose a penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of

any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality.

(1) If the governing authority does not declare the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(2) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

LEGAL DESCRIPTION:

This property listed on the land assessment roll more generally described as:

LEGAL DESCRIPTION: This property listed on the land assessment records as:

PIDN 85700224.000
Deed Book 1527 Page 826

OWNER of RECORD and LAST KNOWN ADDRESS:

Genola Hollinghead (deceased 04-01-10)
3209 Chicago Street
Pascagoula Mississippi 39581

RECOMMENDATION:

The City of Gautier, Code Enforcement Officer be authorized to place a lien against the property in accordance with the attached ORDER and the provisions set forth pursuant of Mississippi Code Annotated, 1972 § 21-19-11, Cleaning and Clearing of Private Property.

02/14/2012

02/14/2012

02/15/2012

02/15/2012

Demolition Contract

TRI-STAR

★★★

DEMOLITION SERVICE

228-219-6995

Date 1/26/12	

BILL TO:
City of Gautier 3330 Hwy 90 Gautier, MS 39553

Please Remit:
Tri-Star Demolition
228-474-8855
3736 Baywood Drive
Moss Point, MS 39563

Service Location:
1502 Dailey Rd. Gautier, MS

CONTACT	Project
Code Enforcement Joe Ballis	DEMOLITION

Service Date	Item	Quantity	Description	Amount
Upon Notice to Proceed	Demolition and Removal	1		2590.00

Demolition and removal of debris on a double wide trailer and out building structure (in rear of property). Contractor to furnish all labor, equipment and permits to complete this job. Contractor will be responsible for any utilities to be removed. If complete lot is to be cleaned, mowed, weed eated, tree limbs trimmed etc., please add an additional ~~$250.00~~. INCLUDED
CONTRACT INCLUDES PUMPING OF EXPOSED SEPTIC TANK BY A LICENSED PUMPING COMPANY AND FILLED WITH SAND

DELIVERY FEE	
TAX RATE	
SALES RATE	
SUBTOTAL	
TOTAL	**$2,590.00**

Client's Signature Date

THANK YOU FOR YOUR BUSINESS!

Tri-Star Demolition Services JAMES THOMAS 1-26-12 Date

Mayor
Tommy Fortenberry

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon T. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge

City of Gautier
Gautier, Mississippi

Interim City Manager
Robert G. Ramsay

City Clerk
Wendy S. McClain

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

COPY

Posted at property
12-07-11
JB

December 7, 2011

Property Owner
1502 Dailey Road
Gautier, Mississippi 39553

Reference: Public Hearing Decision
1502 Dailey Road Gautier, Mississippi 39553
PIDN: 85700224.000

Ms Collums,

The City of Gautier, Mayor and City Council held a public hearing on December 6, 2011 pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 concerning the above referenced property. After hearing, comments from local residents and staff the mayor and city council found the above referenced property to be in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Based on this finding the governing authority if the owner does not do so by January 9, 2012, the city shall proceed to clean the land by the use of municipal workers or by contract, by cutting grass and weeds, filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated building, personal property and other debris and draining cesspools and standing water there from.

Additionally; the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

Again, you have until January 9, 2012 to clean the property as specified above and save yourself any additional expenses associated with this abatement process. You also have the right to appeal in the same manner as other appeals from municipal decisions.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

Sincerely,

Joseph Belles
Joseph Belles
Code Enforcement Officer

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Tommy Fortenberry

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mailed 12-07-11
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December 7, 2011

Ms Misty Collums
3209 Chicago Avenue
Pascagoula, Mississippi 39581

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