

MEMORANDUM

DATE: May 8, 2012

TO: Samantha D. Abell, City Manager

THRU: Patty Huffman, Grants and Projects Manager
Eric Meyer, Planning and Economic Development Director

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Lien/Council Order Request to Adjudicate Abatement Costs for Lima Drive Lot 153

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.

Code Enforcement as approved by Council contracted and authorized TRI-STAR Demolition Service to remove scattered debris and clean the overgrown vacant lot as required in the City's Unified Development Ordinance. The City of Gautier, incurred a cost of one hundred dollars (\$100.00) combined with a penalty fee of fifty percent of the actual cost of fifty dollars (\$50.00) for a sum of one hundred fifty dollars (\$150.00). Invoice attached.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on February 22, 2012. 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 by March 26, 2012. Code enforcement continued to discuss the manufactured home removal and property clean up with the owner until on/about April 17, 2012 when the owner removed the unauthorized manufactured home but the vacant property/lot was never cleaned as requested. Code enforcement advised the owner a contract with a local company was pending to clean the property as specified by Council. TRI-STAR Demolition Service completed the property abatement on May 5, 2012, to the satisfaction of the Planning and Economic Development Department.

APPLICABLE LAW:

Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, 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 records as:

PIDN 85940145.000
Lot 153 Martin Bluff Subdivision
Deed Book 1558, page 859

Property Address: Lima Drive Lot 153

Owner of Record: Robert S. Mosher (MPMF LLC)

Last Known Address: 13109 Windsor Porte
Ocean Springs, Mississippi 39564

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.

TRI-STAR



DEMOLITION SERVICE

228-474-8855

Invoice

DATE: 5/7/12

Please Remit:
Tri-Star Demolition
3736 Bay Wood Dr
Moss Point, MS 39563

BILL TO:
City of Gautier 3390 Hwy 90 Gautier, MS 39553
SERVICE LOCATION:
Lot 153 Lima Drive Gautier, MS

CONTACT	
Joe Belles	Code Enforcement

Service Date	Item	Quantity	Description	Amount
5/4/12	Bush Hog Lot	1	\$ 100.00	\$ 100.00

**THANK YOU
FOR YOUR
BUSINESS!**

TOTAL:	\$ 100.00
BALANCE DUE:	\$ 100.00

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER XXX-XXXX

**AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED
AT Lot 153 LIMA DRIVE GAUTIER, MS 39553 FOR FEES AND CHARGES
INCURRED BY THE CITY OF GAUTIER TO ABATE THE UNSAFE CONDITIONS
OF VACANT PROPERTY**

WHEREAS, the City of Gautier, in accordance with procedures established under 21-19-11 of the Codes of Mississippi of 1972, as amended, incurred expenses in the amount of \$100.00 for the (clean up of an overgrown vacant lot, considered a menace to the public health, safety, and welfare of the community) located at Lot 153 Lima Drive, in the City of Gautier, Jackson County, Mississippi; and

WHEREAS, the City of Gautier is entitled to administrative fee of \$50.00.

NOW THEREFORE, IT IS HEREBY ORDERED by the Mayor and Council of the City of Gautier, Mississippi that a lien in the amount of \$ 150.00 is hereby placed on the following described property at Lot 153 Lima Drive, Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lot 153 MARTIN'S BLUFF SUBDIVISION #3 PB 11-36 Deed Book 1558 page 859 (168 Map771.12-01)

**Robert S. Mosher (MPMF LLC)
13109 Windsor Porte
Ocean Springs, Mississippi 39564**

Parcel Identification Number 85940145.000

IT IS FURTHER ORDERED that said lien is to be satisfied upon the first subsequent sale of the referenced property following passage of this order and the filing of said lien; or by other means as determined by the Mayor and Council to be to be necessary in order to protect the well-being of the City of Gautier.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by BLANK, seconded by BLANK and the following vote was recorded:

AYES:

NAYS:

MAYOR

ATTEST:

CITY CLERK

BLANK by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 15, 2012.



BEFORE



AFTER