

MEMORANDUM

DATE: August 31, 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 7213 Pineview Drive

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 Martin Construction, 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 \$1,900.00 combined with a penalty fee of \$1,500.00 equals a sum of \$3,400.00.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on July 17, 2012. After considering staff comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property after the statutory 10-day appeal period from the date of Council action and adjournment. Martin Construction completed the property abatement on August 30, 2012, to the satisfaction of the Planning and Economic Development Department.

APPLICABLE LAW:

Mississippi Statute 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:

PIDN 87116085.000
Lots 107 SINGING RIVER LAND SUBDIVISION
Deed Book 1228, page 725
TRL #2005032 1968 12 x 60 Winston

Property Address: 7213 Pineview Drive

Owners of Record: William L & Catherine D Rice

Last Known Address: 7213 Pineview Drive
Gautier, Mississippi 39553

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.

Parcel Information

PIDN: 87116085.000
GISP: 771.12-04-0097.00

Owner Information

Name: RICE WILLIAM L & CATHERINE D Percent of Ownership: 100
Name2:
Mailing Address: 7213 PINEVIEW DR Physical Address: 7213 PINEVIEW DR GAUTIER
GAUTIER MS 39553

Land Information

Section, Township, Range: 12 7S 7W Acreage: .00
Street Name: PINEVIEW DR

Value and Tax Information

Total Assessed Value: 1485 Total Appraised Value: 14850
Improvement Value: 8290 Land Value: 6560
Tax Amount: 126 SQ. FT: 0 Year Built: 1968

Legal Description

Description: LOT 107 SINGING RIVER LAND S/D DB 1228-725 (97 Map771.12-04) TRL#2005032 1968 12X60 WINSTON

Deed Book / Page: 1228 / 725

Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

Interim City Manager
Robert G. Ramsay

City Clerk
Wendy S. McClain

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



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

July 26, 2012

William L. & Catherine D. Rice
7213 Pineview Drive
Gautier, Mississippi 39553

Ref: 7213 Pineview Drive Gautier, MS 39553
Public Hearing Decision
PIDN: 87116085.000
TRL # 2005032 1968 12 x 60 Winston

Mr. & Mrs. Rice,

The City of Gautier, Mayor and City Council held a public hearing on July 17, 2012 pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11, concerning the above referenced property. After hearing, comments from 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 August 12, 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 may 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 August 12, 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 – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

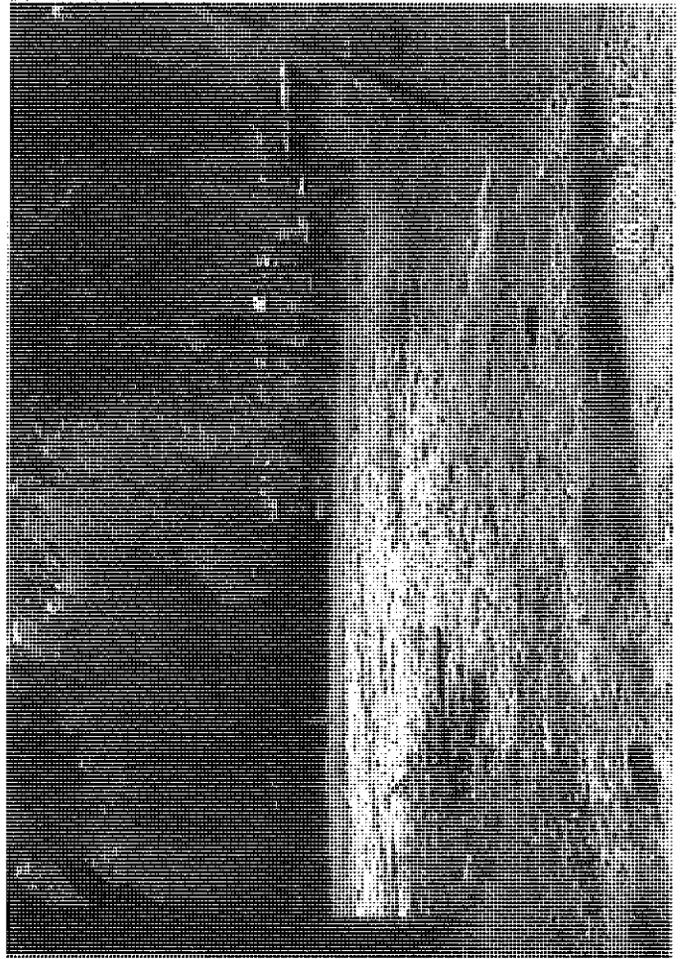
Sincerely,

A handwritten signature in black ink that reads "Joseph Belles".

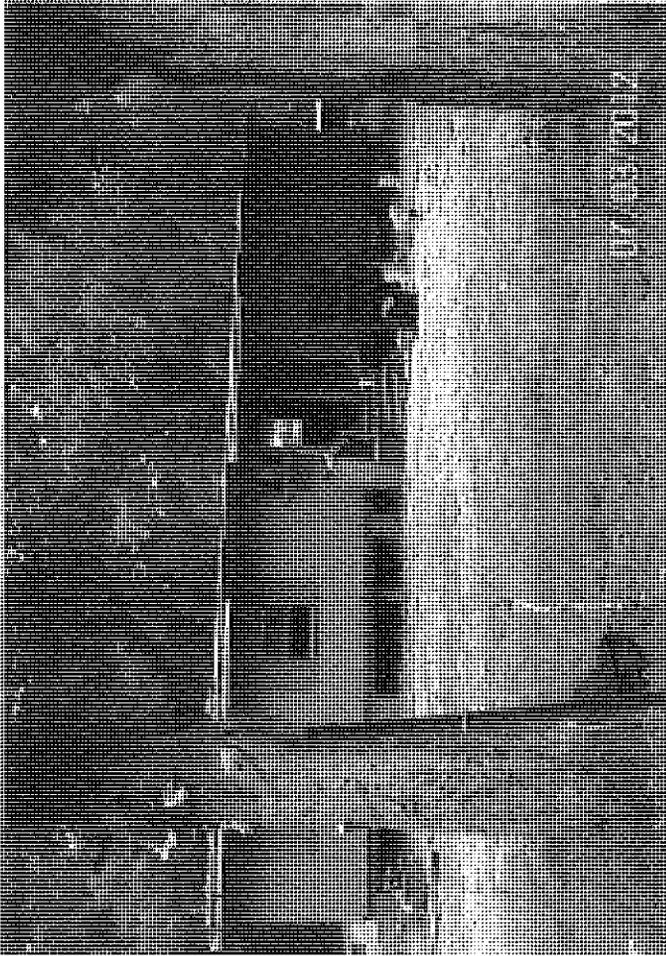
Joseph Belles
Code Enforcement Officer



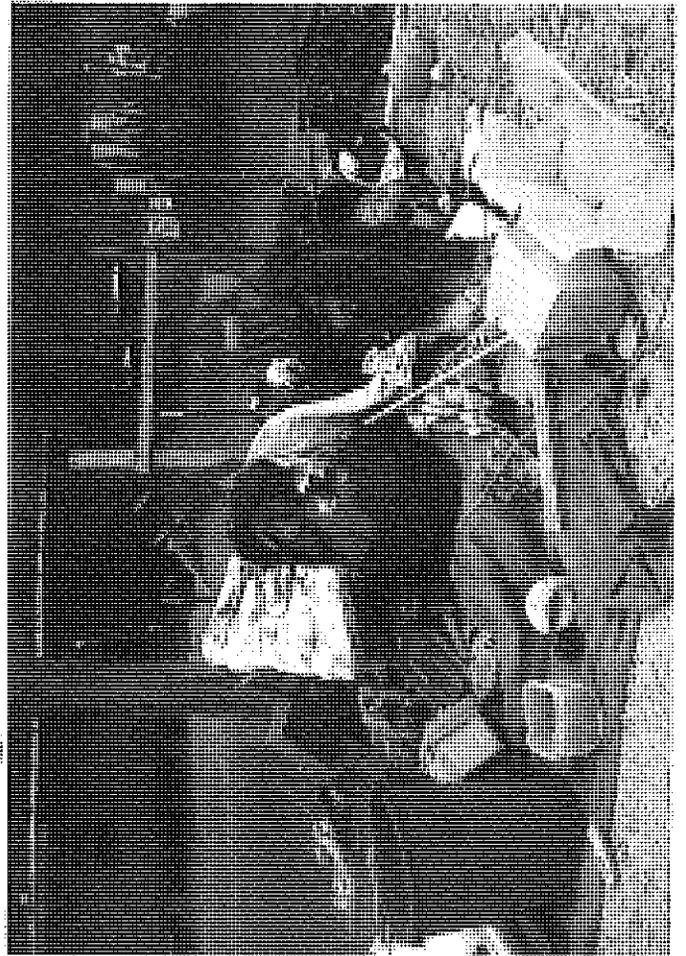
AFTER



AFTER



BEFORE



BEFORE

PROPOSAL

MARTIN CONST. S.T. CONTRACTORS,
6200 MARTIN BLUFF RD
GAUTIER MS 39553

228 219 1304

Proposal Submitted To: CITY OF GAUTIER	Job Name 7213 RICE PROPERTY	Job #
Address	Job Location 7213 PINE OVEN	Date
Phone #	Fax #	Architect
		Date of Plans

We hereby submit specifications and estimates for: DEMOLITION OF 900 SQFT TRAILER
WITH ADDITION - 8X16 STORAGE BUILDING -
CLEAN UP YARD

TOTAL PRICE \$19,000.00

Michel Marbo

We propose hereby to furnish material and labor—complete in accordance with the above specifications for the sum of:

\$ 1900.00 _____ Dollars

with payments to be made as follows: _____

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted:

Michel Marbo

Note—this proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

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

ORDER NUMBER

AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED AT 7213 PINEVIEW DRIVE GAUTIER, MS 39553 FOR FEES AND CHARGES INCURRED BY THE CITY OF GAUTIER TO ABATE THE UNSAFE CONDITIONS OF VACANT STRUCTURES

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 \$1,900.00 for the (demolition and removal of a derelict residential structures, considered a menace to the public health, safety, and welfare of the community) located at 7213 Pineview Drive, in the City of Gautier, Jackson County, Mississippi; and

WHEREAS, the City of Gautier is entitled to administrative fee of \$1,500.00.

NOW THEREFORE, IT IS HEREBY ORDERED by the Mayor and Council of the City of Gautier, Mississippi that a lien in the amount of \$3,400.00 is hereby placed on the following described property at 7213 Pineview Drive, Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lot 107 Singing River Land Subdivision Deed Book 1228 page 725 (97 Map771.12-04) TRL # 2005032 1968 12 X 60 Winston

Name and Address:

**William L. & Catherine Rice
7213 Pineview Drive
Gautier, Mississippi 39553**

Parcel Identification Number 87116085.000

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 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,
and the following vote was recorded:**

seconded by BLANK,

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 September 18, 2012.**