

MEMORANDUM

DATE: January 14, 2013

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 1428 Rue De Courmont Gautier, Mississippi 39553

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.

A team of five Planning Department City Employees removed and placed the scattered trash, debris and household items into a Waste Pro Sanitation provided dumpster. The team of five city workers took one hour to clean the property at a nominal cost of \$13.14 per hour for a total of \$65.70. Per the attached invoice from Waste Pro Sanitation, who was authorized to deliver and remove a thirty yard commercial dumpster containing the trash, debris and household furniture items scattered in the back yard at a cost of \$250.00. The City of Gautier, incurred a cost of \$ 315.70 combined with a penalty fee of \$1,500.00 equals a sum of \$1,815.70.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on October 16, 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 or abate the property on his/her own accord. Code Enforcement notified the bank appointed property manager three times of the need to clean the property of the trash, debris and household items but was informed they never received authorization from the owning bank to proceed with the clean up. City Personnel completed the property abatement on December 19, 2012 to the satisfaction of the Planning and Economic Development Department Director.

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 85909105.000
Lot 105 LA VILLA DE COURMONT SUBDIVISION
Deed Book 1374, page 833

Property Address: 1428 Rue De Courmont

Owners of Record: Everett B Smith Sr.

Last Known Address: 1677 C 162
Westville Florida 32464

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.

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

ORDER NUMBER -2013

**AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED
AT 1428 RUE DE COURMONT GAUTIER, MISSISSIPPI 39553
FOR FEES AND CHARGES INCURRED BY THE CITY OF GAUTIER TO ABATE
THE UNSAFE CONDITIONS OF VACANT STRUCTURES AND 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 \$315.70 for the (clean up of the land by removing all trash, debris and household items scattered around the property, considered a menace to the public health, safety, and welfare of the community) located at 1428 Rue De Courmont, 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 \$1,815.70 is hereby placed on the following described property at 1428 Rue De Courmont Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lot 105 LA VILLE DE COURMONT S/D Deed Book 1374 page 866 (46 MAP764.19-03)

Name and Address:

Everett B Smith Sr.
1428 Rue De Courmont
Gautier, Mississippi 39553

Parcel Identification Number 85909105.000

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 February 5, 2013.**

Delta Sanitation
a Waste Pro Company
 PO Box 669
 Ocean Springs, MS 39566
 (228) 818-5393

INVOICE # 0000219634
ACCOUNT # 003196
INVOICE DATE: 01/01/2013
INVOICE DUE DATE: 1/1/2013

497-1038

Bill To: City of Gautier
 Po Box 670
 Gautier, MS 39553-0670

DATE PAID _____ CHECK NO. _____ AMOUNT _____

This invoice is an attempt to collect a debt.

For proper credit please return top portion.

DATE	REF #	DESCRIPTION	QTY	UNIT PRICE	SUB TOTAL
12/20/12	<i>Service Loc.</i> 0000584775	059 - City of Gautier - 1428 rue de Courmont	1.00	242.50	242.50
12/20/12	0000584775	DISPOSAL CHARGE - ROLL OFF	30.00	0.25	7.50
		MS STATE LANDFILL TAX			
Email questions or concerns to jadkins@wastoprousa.com				Current Charges:	250.00
				Sales Tax:	0.00
				Fuel Surcharge:	0.00
				Invoice Total:	250.00

Invoice Total

\$250.00

Account # 003195

Please pay from this statement. This includes your remittance portion.

Delta Sanitation

Waste Pro Company PO Box 669 Ocean Springs, MS 39566 (228) 818-5





