

MEMORANDUM

DATE: April 9, 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 7301 Pineview Drive Gautier Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the property identified in the legal description 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 \$2,700.00 combined with a penalty fee of \$1,500.00 equals a sum of \$4,200.00.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on March 19, 2013. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property immediately after the statutory 10-day appeal period from the date of Council action and adjournment. The owner also had the right to clean or abate the property on his/her own accord. TRI-STAR Demolition Service completed the property abatement on April 8, 2013, 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:

Legal Description: PIDN 87116076.000
Lots 91 & 99 SINGING RIVER LAND SUBDIVISION
Trailer # 2003433 1979 12 x 66 Fairmore Home
Deed Book 1604, page 516

Property Address: 7301 Pineview Drive

Owners of Record: Jonathan Palmer.
Last Known Address: 7205 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.

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

ORDER NUMBER 000-2013

AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED AT 7301 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 \$2,700.00 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 7301 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 \$4,200.00 is hereby placed on the following described property at 7301 Pineview Drive Road, Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lots 91 & 99 Singing River Land, Deed Book 1604 page 516 (95M MAP771.12-04) TRL # 2003433 1979 12x 66 Fairmore

Name and Address:

Jonathan Palmer
7205 Pineview Drive
Gautier, Mississippi 39553

Parcel Identification Number 87116076.000

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

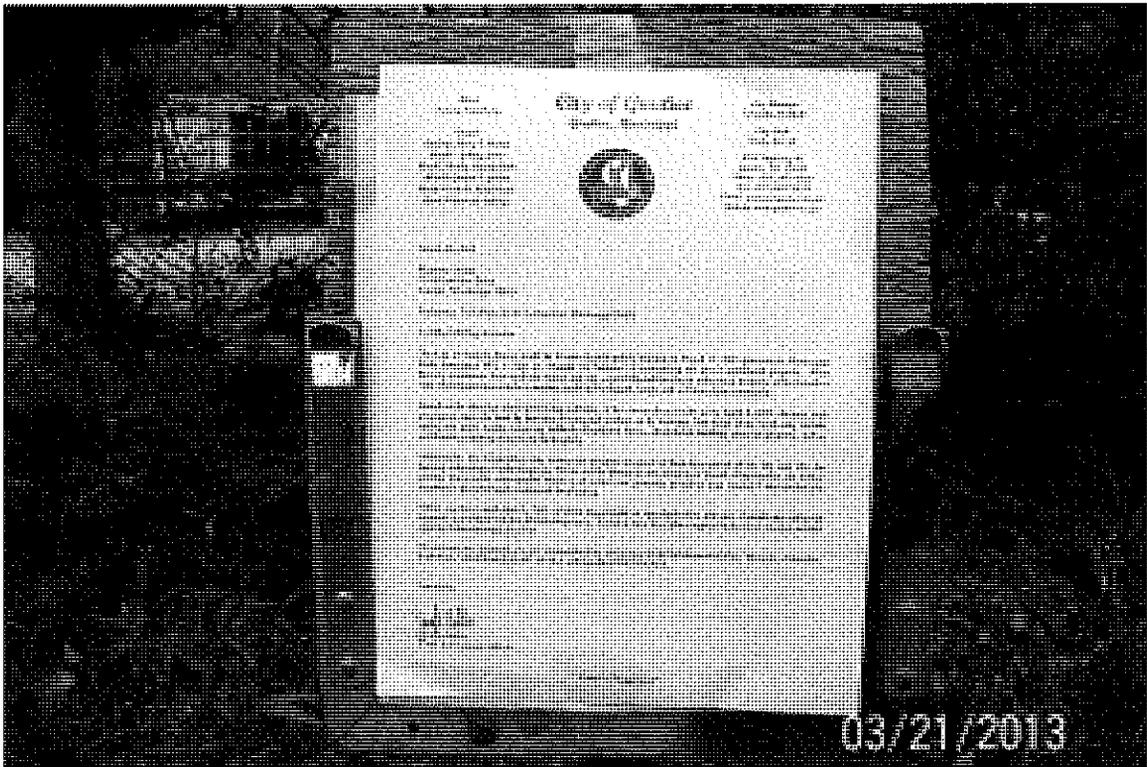
ATTEST:

CITY CLERK

BLANK by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of April 16, 2013.



BEFORE
DEMO



COUNCIL
DECISION
POSTED
AT PROPERTY

03/21/2013



Mayor
Tommy Fortenberry

City of Gautier

Gautier, Mississippi

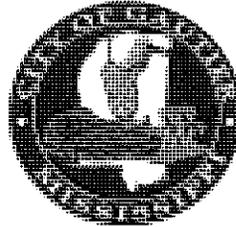
City Manager
Samantha D. Abell

City Clerk
Cindy Russell

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028

Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

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



March 20, 2013

Jonathan Palmer
7205 Pineview Drive
Gautier, Mississippi 39553

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

The City of Gautier, Mayor and City Council held a public hearing on March 19, 2013 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 uncleanness as to be a menace to the public health, safety and welfare of the community.

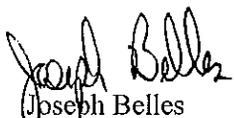
Based on the decision of the governing authority, if the owner does not do so by April 2, 2013, the city shall proceed to clean the land by the use of municipal workers or by contract. The scope of the work may include cutting the grass, weeds, removing rubbish, dilapidated fences, dilapidated building, personal property, debris, and draining standing water from the property.

Additionally, the municipality may reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearings. Notice will be 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 April 2, 2013, 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 cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer

COPY

mailed 3-20-13
JB

LTR RETURNED 3-27-13 JB

Mayor
Tommy Fortenberry

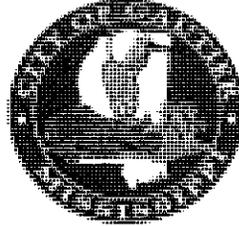
City of Gautier

Gautier, Mississippi

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Samantha D. Abell

City Clerk
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Council
At Large Mary F. Martin
Ward 1 Johnny Jones
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Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

March 20, 2013

Property Owner
7205 Pineview Drive
Gautier, Mississippi 39553

COPY
a/d/b
POSTED 3-20-13
JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

To Whom It May Concern:

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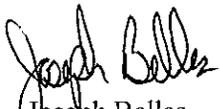
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Sincerely,


Joseph Belles
Code Enforcement Officer

TR I-STAR

Invoice

DATE: 04/08/2013	040813
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DEMOLITION SERVICE
228-219-6995

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

BILL TO:
City of Gautier Joe Bellas 3305 Gautier-Vancleave Road Gautier, MS 39553
SERVICE LOCATION:
7301 Pineview Drive Gautier, Ms 39553

P.O. Number	Project
228-497-8802	Demolition

Service Date	Item	Quantity	Description	Amount
04/08/2013	<ul style="list-style-type: none">• Disconnect all utility connections• Demo existing trailer on site• Haul off all debris• Clean lot debris and 2 outbuildings• All salvageable materials, if any, are to become the property of Tri-Star Demolition• Payment Due upon completion	3	Demolition/removal of a manufactured home and two accessory buildings.	\$2700.00

THANK YOU
FOR YOUR
BUSINESS!

TOTAL:	\$2700.00
BALANCE DUE:	\$2700.00