

PROBATE

Judge D. Neil Harris, Sr.

Case Number 2009-1089

File No. 76215 Type 1

Styled

NORMAN EMMETT THOMPSON, DEC'D., ESTATE

-VS-

Probate

Party Number 2 Party Type 3 PLAINTIFF ATTORNEYS
On Behalf P (P/D/Na) F5-Search ==> 1=Plaint,2=Def,3=P Atty,4=D Atty
Pro Se (Y/N)

Attorney No. 6075 (Enter only if Party is an Attorney)

Party Name VALLETTE, MICHAEL J.

Display Name Michael J. Vallette

Address 900 Washington Avenue

Ocean Springs MS 39564

Title

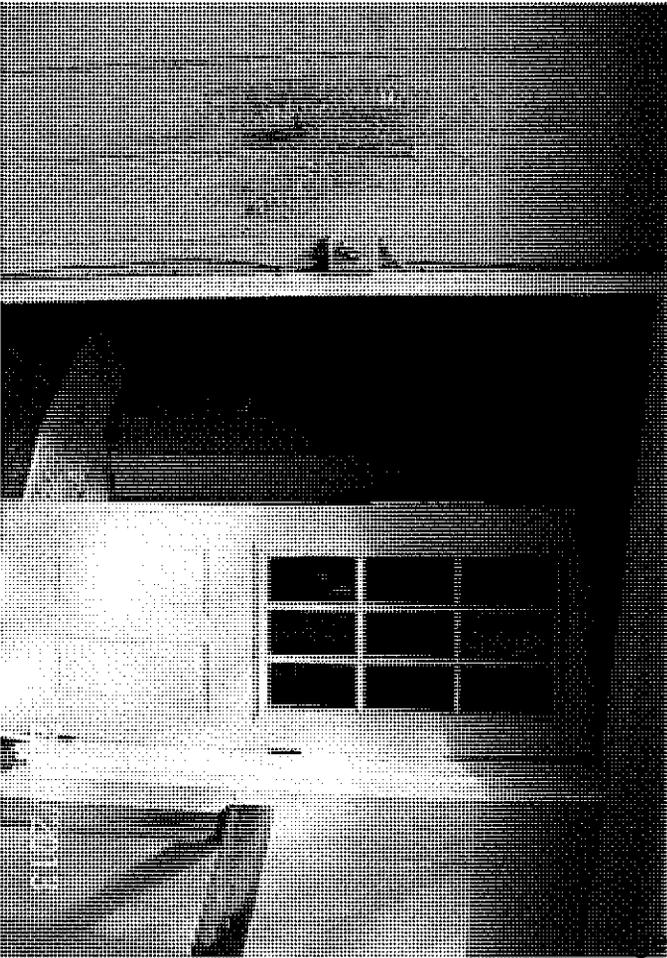
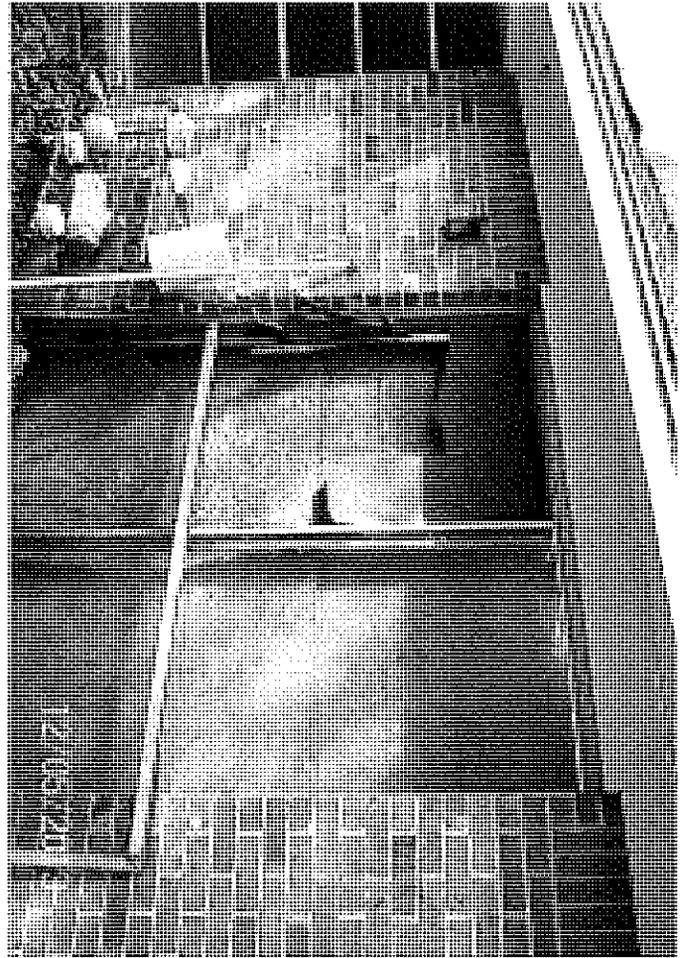
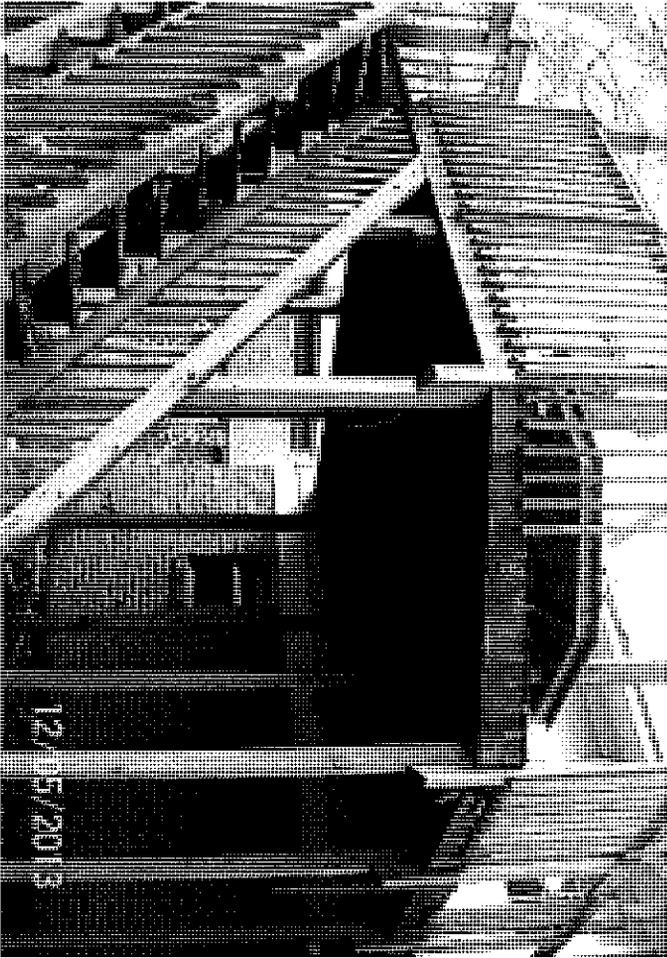
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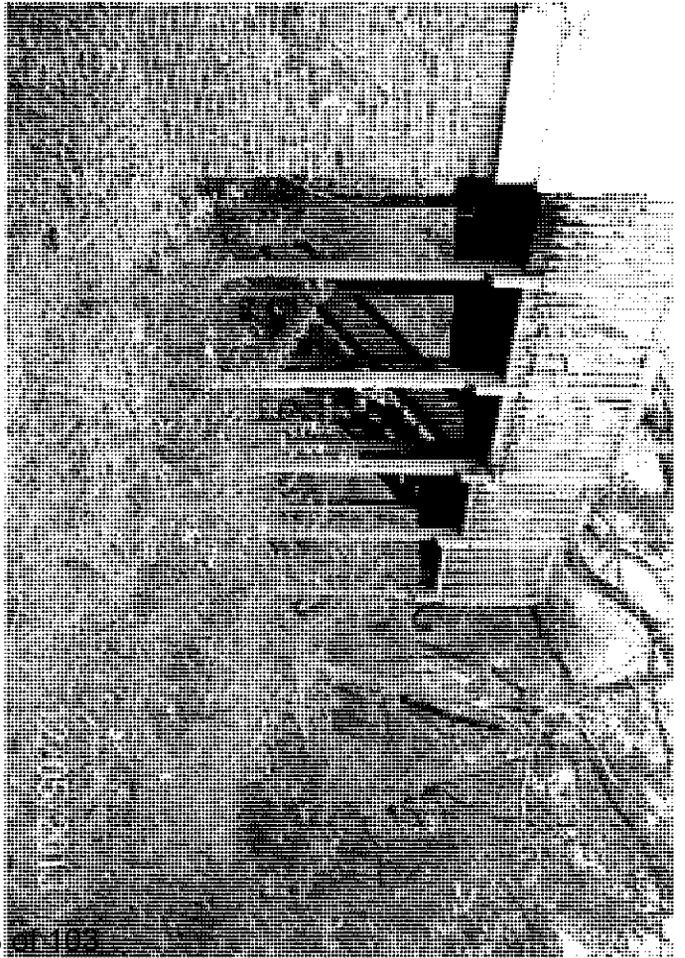
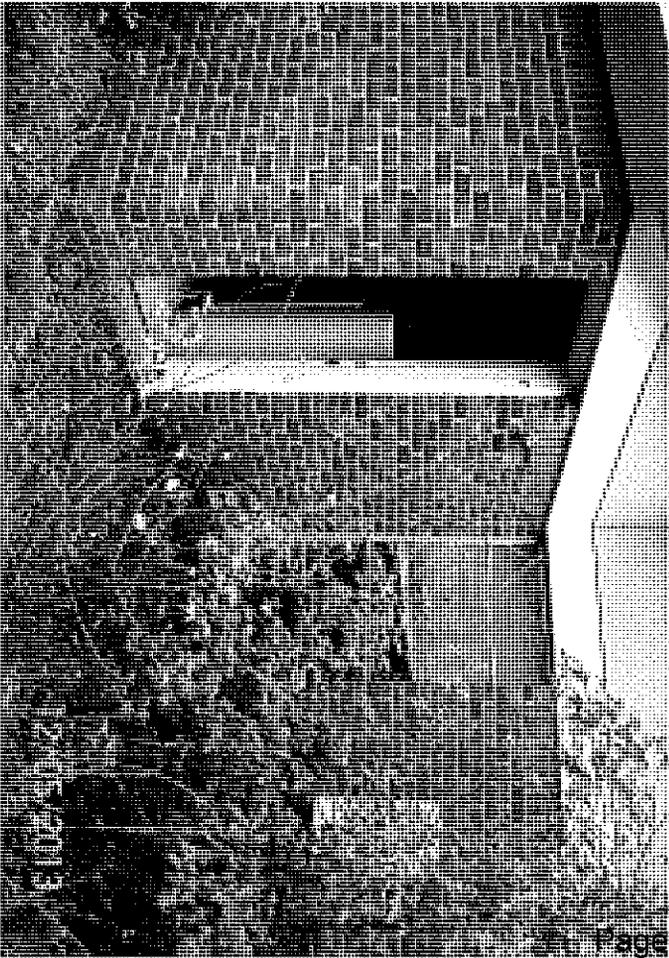
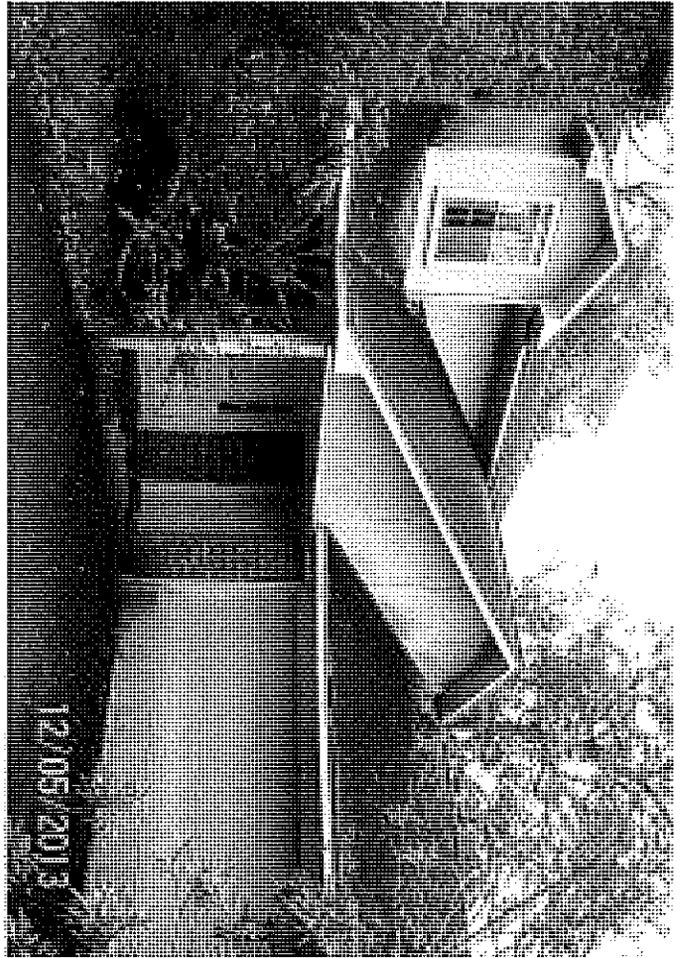
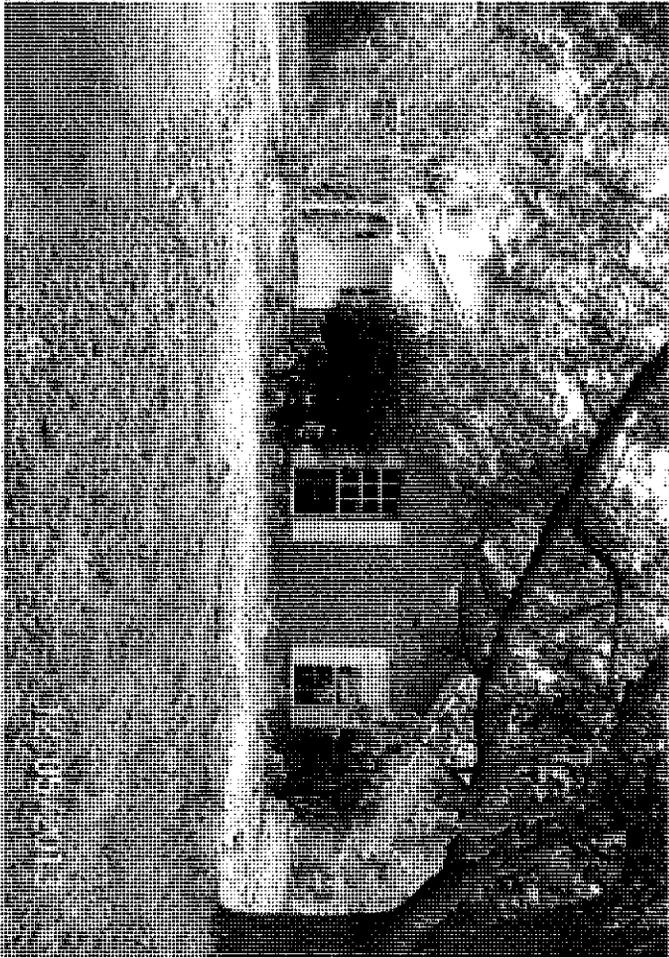
Comments

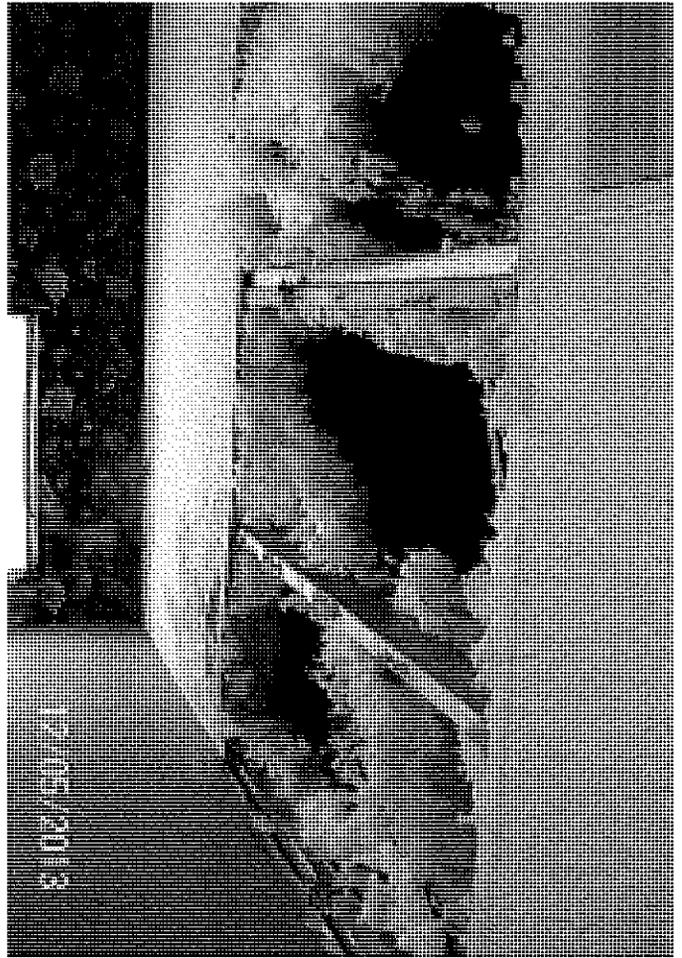
Active Y (Y/N) Primary Y (Y/N)

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F3-SEARCH EVENTS F9-DELETE THIS RECORD F12-SEARCH ATTORNEYS







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

ORDER NUMBER 008-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, to set the date for the following public hearing as requested by the Planning and Economic Development Director is hereby authorized:

WHEN: February 4, 2014

WHERE: Gautier Municipal Building-Council Chambers

TIME: 6:30 pm

PURPOSE: 2209 Laurel Glen Road

LEGAL DESCRIPTION: PIDN 85700107.000
COM NEC Lot 20 Dell Wood Hgts S/D N 66
Deg E 81.7' E 310' to POB E 75' S 150' W 75' N 150' to
POB PT Lot 5 James Martin EST S/D
Deed Book 1631 page 830

Owners of Record: Ms. Diana Musick
Last Known Address: 3800 NE 23rd
Amarillo, Texas 79107

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

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 7, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joseph Belles, Code Enforcement Officer
Through: Chandra Nicholson, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
Date: December 9, 2013
Subject: Abatement of Substandard Property Conditions, 2209 Laurel Glen Road
Gautier, Mississippi 39553

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests that the City Council set a public hearing date for February 4, 2014, to receive public comment regarding the abatement of the subject property.

BACKGROUND:

In March 2013, code enforcement observed this vacant overgrown property scattered with trash and debris while reviewing other properties in Hickory Hills. The out of state owner Ms. Musick had a For Sale sign on the street right-of-way and code enforcement attempted to contact the owner by telephone. When there was no return call, code enforcement sent a letter of violation to the owner's Texas address. In April 2013, code enforcement talked to Ms Musick and explained the problems with the vacant manufactured home. Ms Musick then informed code enforcement there was a problem with her securing the title in her name from the previous owner. Code enforcement sent additional letters to the owner in May and August 2013. In addition, Ms. Musick has kept in telephone contact with code enforcement since April 2013. Ms Musick has obtained an attorney to resolve the title/ownership issues but the last several months nothing to the knowledge of code enforcement has been resolved. The vacant property has not had water or electricity since 2012. This area of the city was rezoned R-1 several years ago and the manufactured home (nonconforming structure) has been vacant more than sixty consecutive days and can no longer can be occupied per the Unified Development Ordinance Chapter XIII.

The property remains overgrown, and scattered with trash and debris. Neighbors complain, not only concerning the blight this vacant home reflects on the neighborhood but have repeatedly complained about rodents on the property. The 2012 taxes remain unpaid by the owner who is concerned about paying for a manufactured home she does

not own. The vacant property continues to show signs of disrepair and is visible from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and are concerned for the health, safety and welfare of their neighborhood. Code enforcement informed the owner by letter on December 9, 2013, the property would be recommended for an abatement hearing if not in compliance by January 6, 2014.

DISCUSSION:

The primary goal is to clean up and maintain the overgrown property as necessary. The manufactured home needs to be relocated to an area zoned for manufactured homes if it meets the coastal wind zone and other requirements of our Unified Development Ordinance, demolished and hauled away or removed from the city limits.

RECOMMENDATION:

Staff recommends City Council hold a public hearing on February 4, 2014, in order to determine if the property is a menace to the public health, safety and welfare of citizens and direct Staff to commence with abatement/clean up of the overgrown property and relocation of the structure.

ATTACHMENT:

Mississippi Code of 1972, Section 21-19-11, provides procedures to municipalities to clean private property determined to be a menace to those in the municipal community thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition * * * signed by a majority of the residents residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail * * * two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize 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. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water there from. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also 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. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice.

(2) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(3) If the governing authority does not declare that 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.

(4) 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.

(5) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to maintain property so as not to constitute a menace to public health, safety and welfare.

Parcel Information

PIDN: 85700107.000
GISP: 771.12-02-0034.00

Owner Information

Name: MUSICK DIANA Percent of Ownership: 100
Name2:
Mailing Address: 3800 NE 23RD Physical Address: 2209 LAUREL GLEN RD GAUTIER
AMARILLO TX 79107

Land Information

Section, Township, Range: 12 7S 7W Acreage: 0.25999999
Street Name: LAUREL GLEN RD

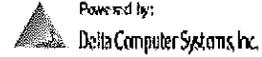
Value and Tax Information

Total Assessed Value: 1395 Total Appraised Value: 9300
Improvement Value: 0 Land Value: 9300
Tax Amount: 181 SQ. FT: 0 Year Built: 1980

Legal Description

Description: COM NEC LOT 20 DELLWOOD HGTS S/D N 66 DEG E 81.7' E 310' TO POB E 75' S 150' W 75' N 150' TO POB
PT LOT 5 JAMES MARTIN EST S/D DB 1631-830 (34 Map771.12-02)

Deed Book / Page: 1631 / 830



Property Link

JACKSON COUNTY, MS

Current Date **12/ 5/2013**

Tax Year 2013
Records Last Updated **12/ 4/2013**

PROPERTY DETAIL

OWNER MUSICK DIANA
 3800 NE 23RD

 AMARILLO TX 79107

ACRES : .26
LAND VALUE : 9300
IMPROVEMENTS : 2550
TOTAL VALUE: 11850
ASSESSED : 1778

PARCEL 85700107.000
ADDRESS 2209 LAUREL GLEN

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	91.33	0.00	91.33
CITY	61.41	0.00	61.41
SCHOOL	82.48	0.00	82.48
TOTAL	235.22	0.00	235.22

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE ****NA****

TAXES DELINQUENT PRIOR YEAR MISCELLANEOUS INFORMATION

EXEMPT CODE	HOMESTEAD CODE	TAX DISTRICT	PPIN	SECTION	TOWNSHIP	RANGE	LEGAL
	None	5840	070337	12	7S	7W	COM NEC LOT 20 DELLWOOD HGTS S/D N 66 DEG E 81.7' E 310' TO POB E 75' S 150' W 75' N 150' TO POB PT LOT 5 JAMES MARTIN EST S/D DB 1631-830 (34 Map771.12-02)

Book **Page**

TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2012	STATE OF MISSISSIPPI	NOT REDEEMED
2010	WALTER H YATES JR	7/16/2012 MUSICK DIANA & YOUNG JAMES
2009	THE MAINE REASON LLC	7/16/2012 MUSICK DIANA & YOUNG JAMES
2007	JASWANT KAUR	11/12/2008 MUSICK DIANA L

[Back](#)