

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

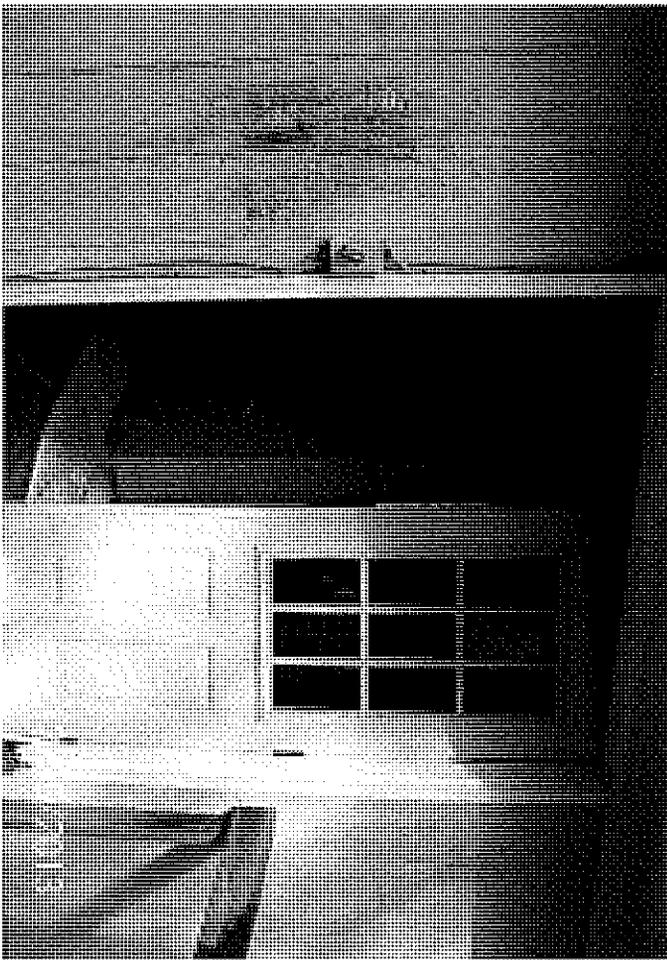
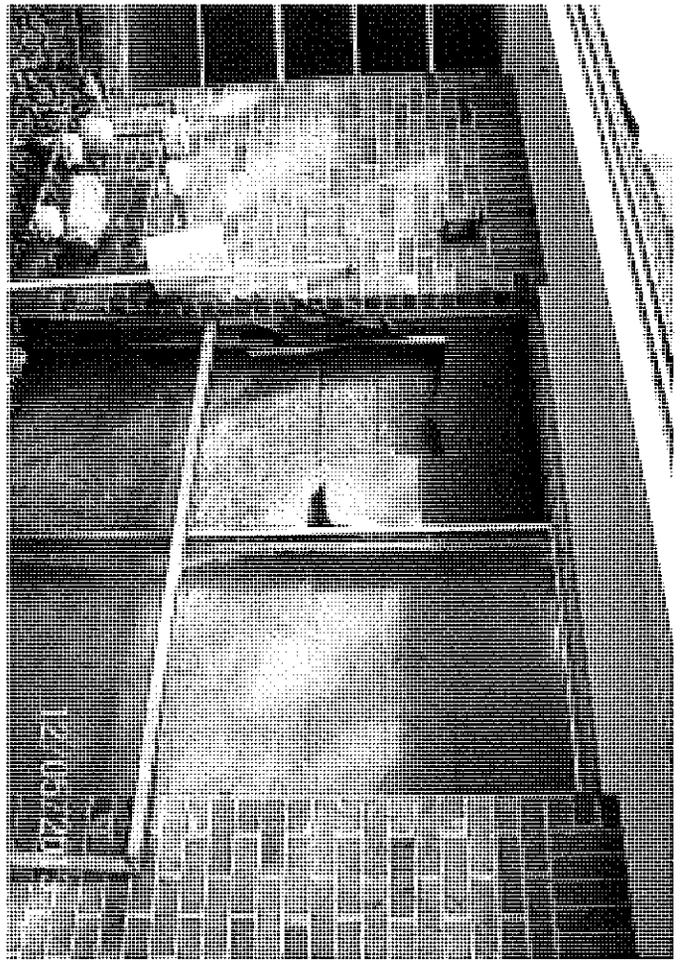
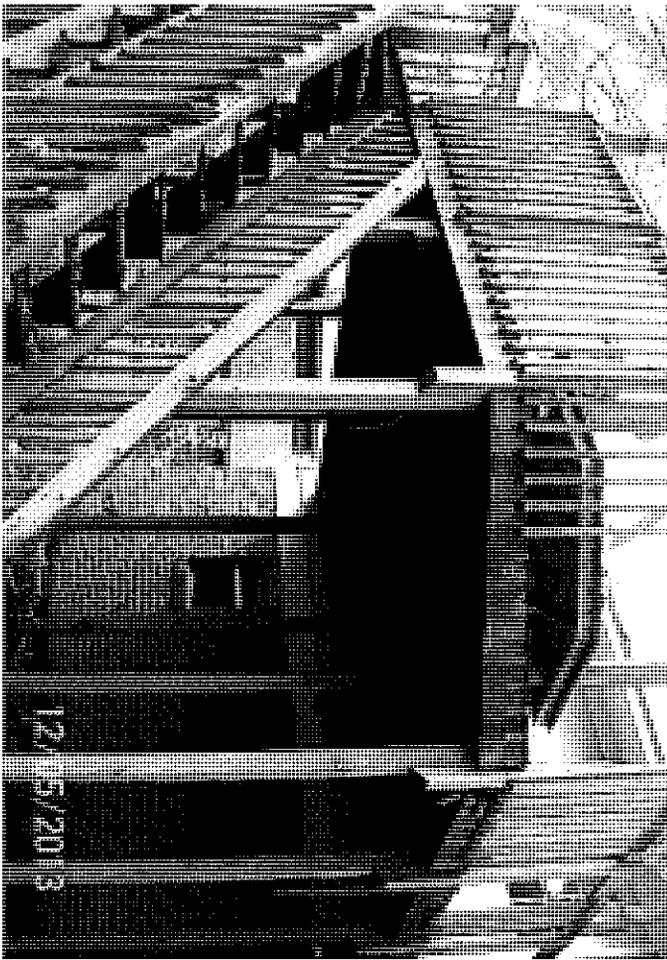
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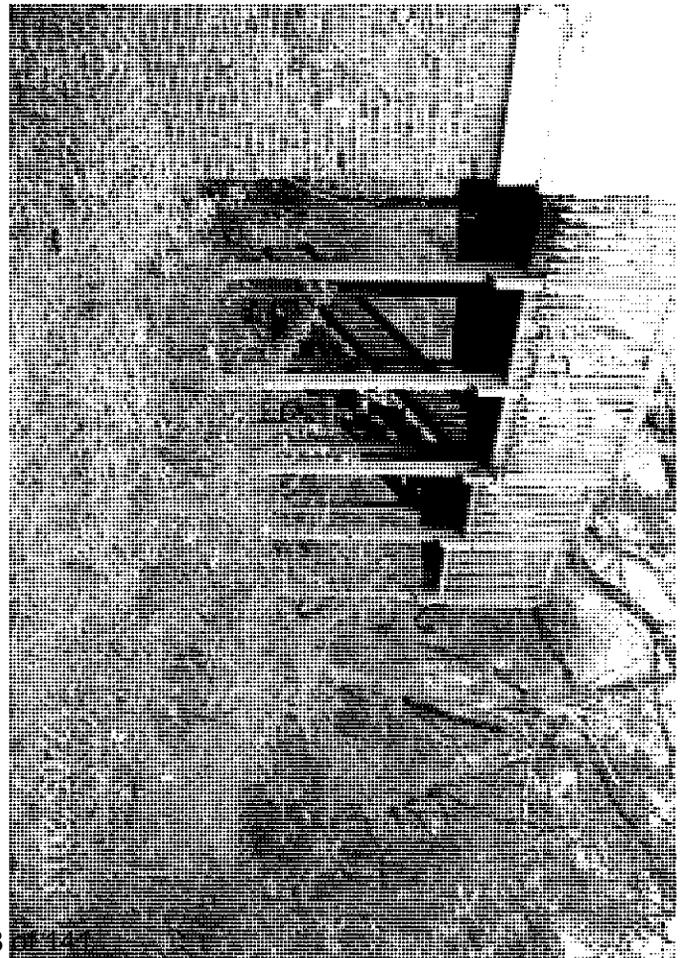
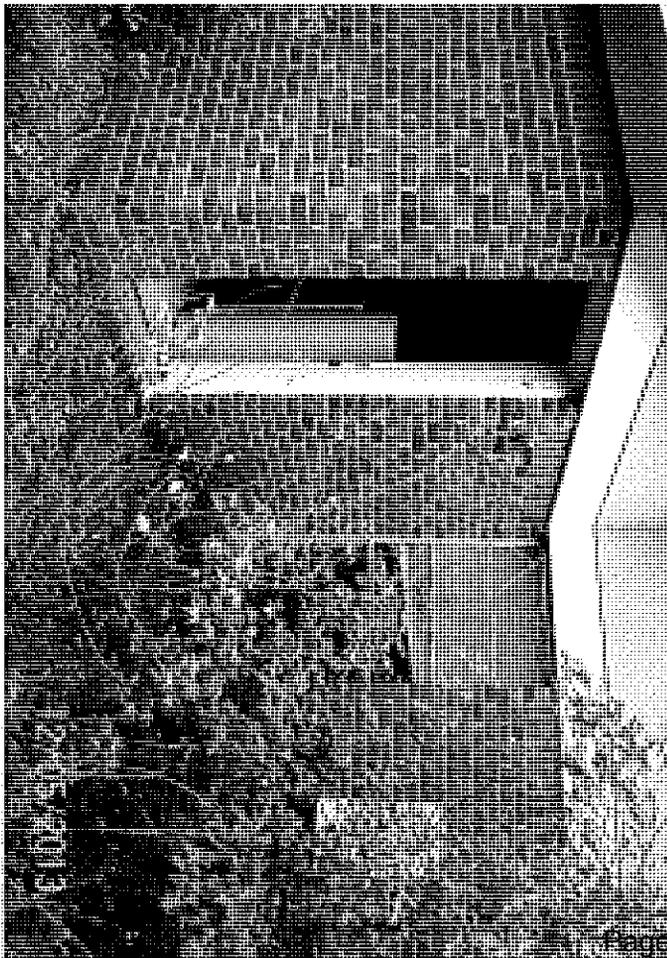
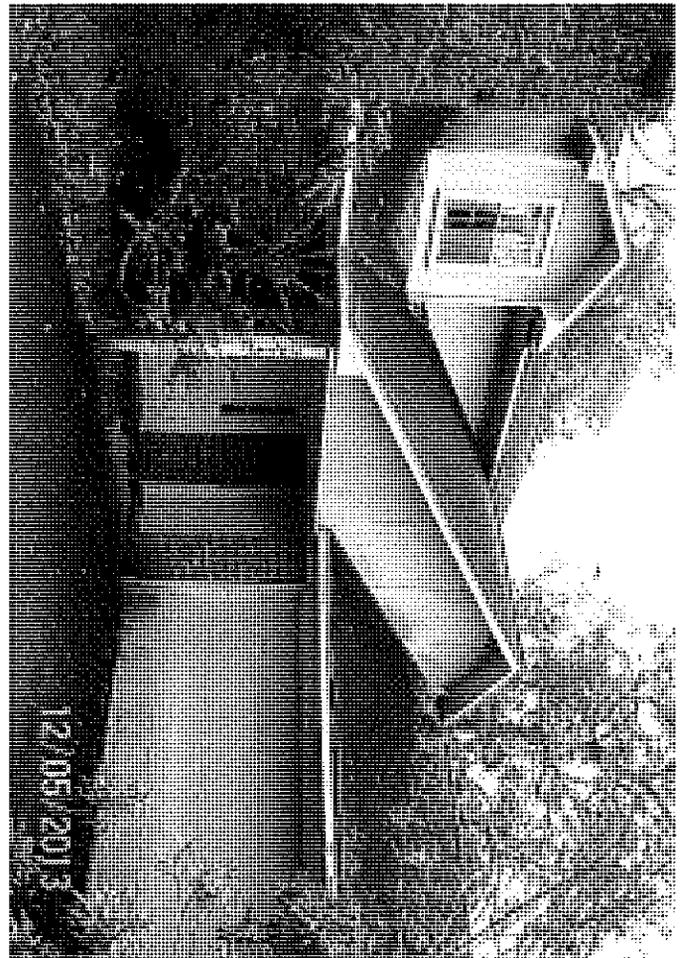
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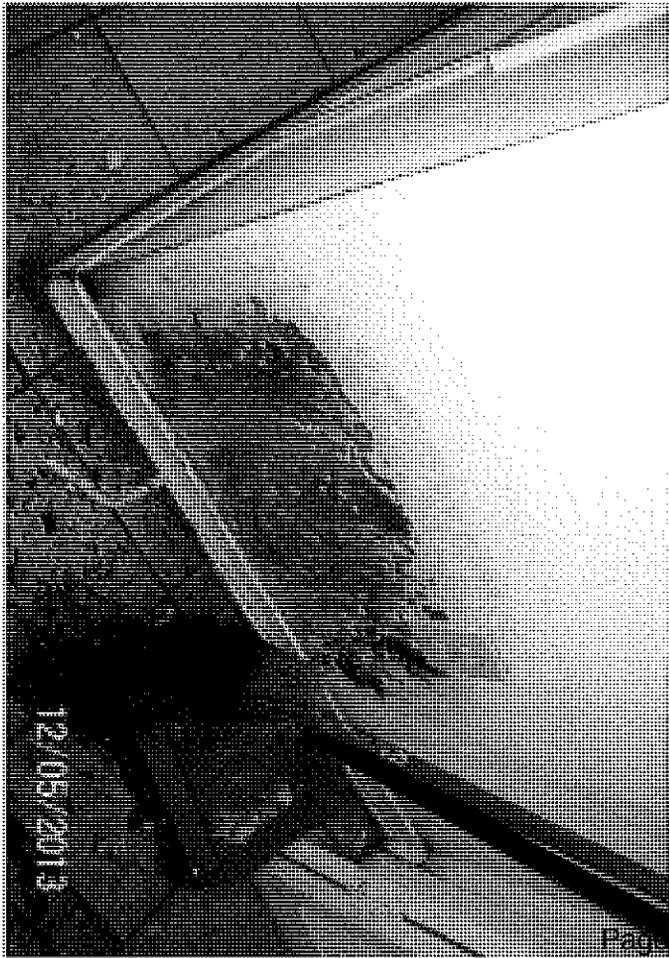
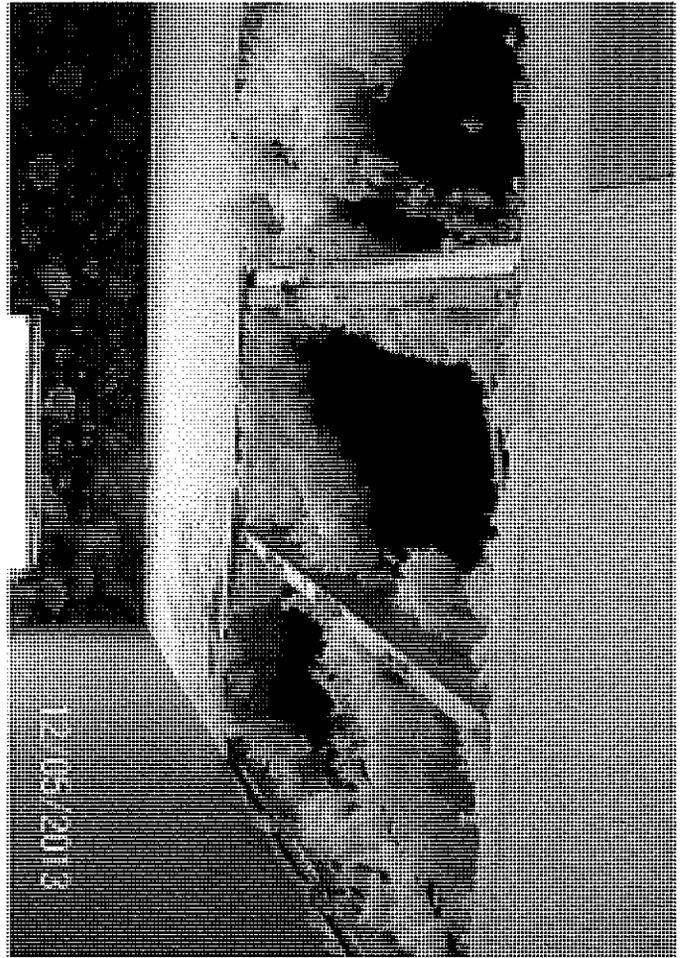
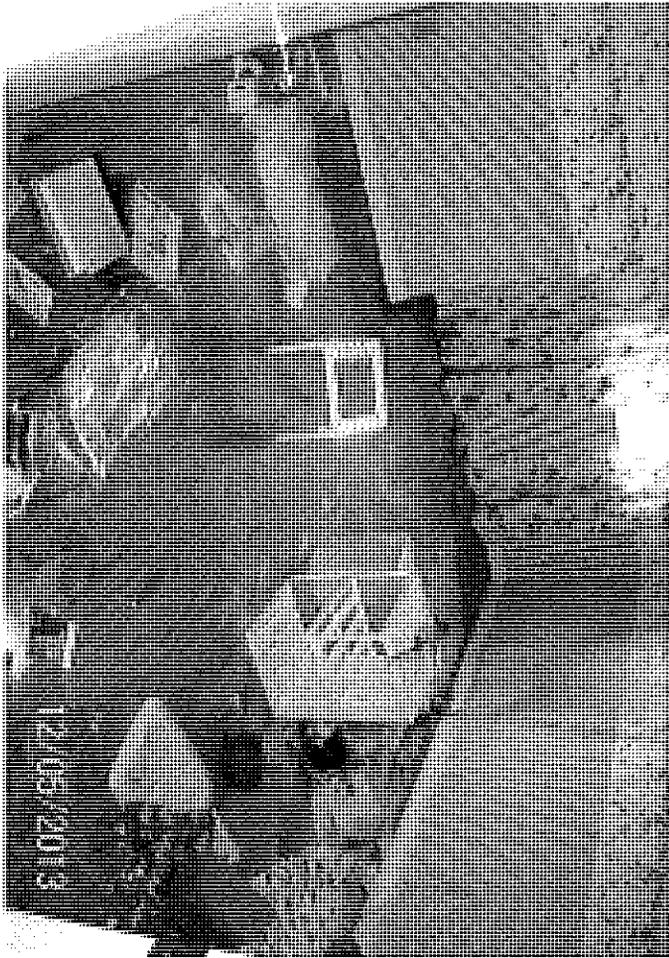
Comments

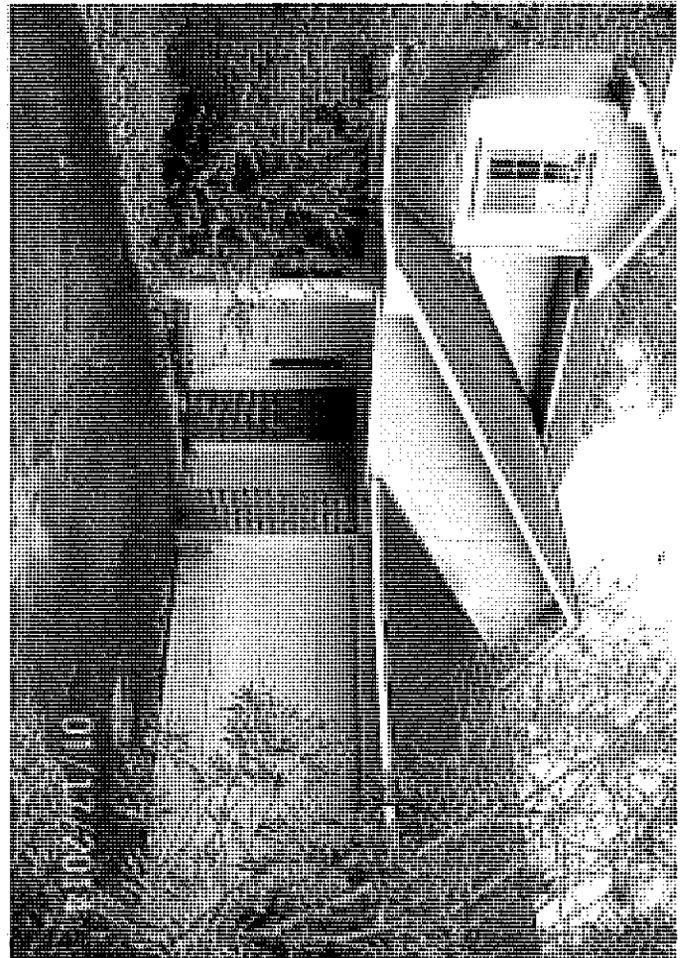
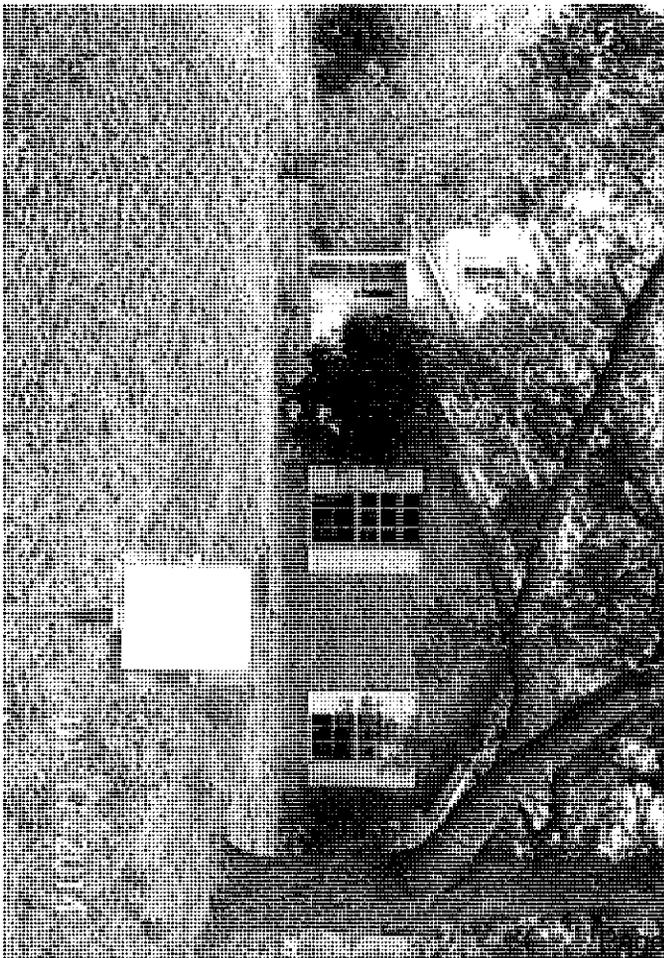
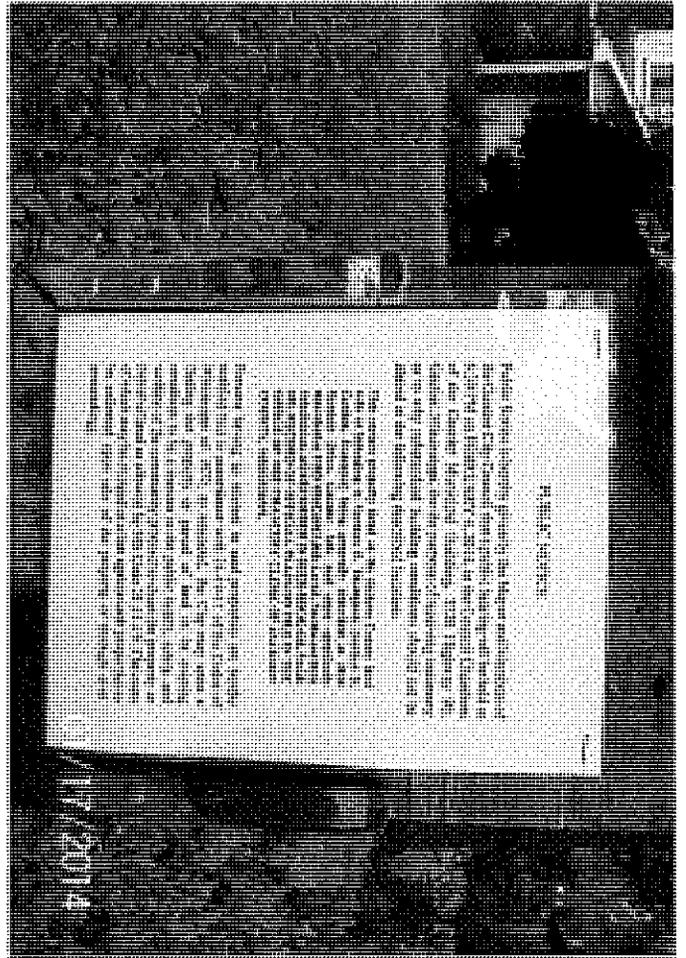
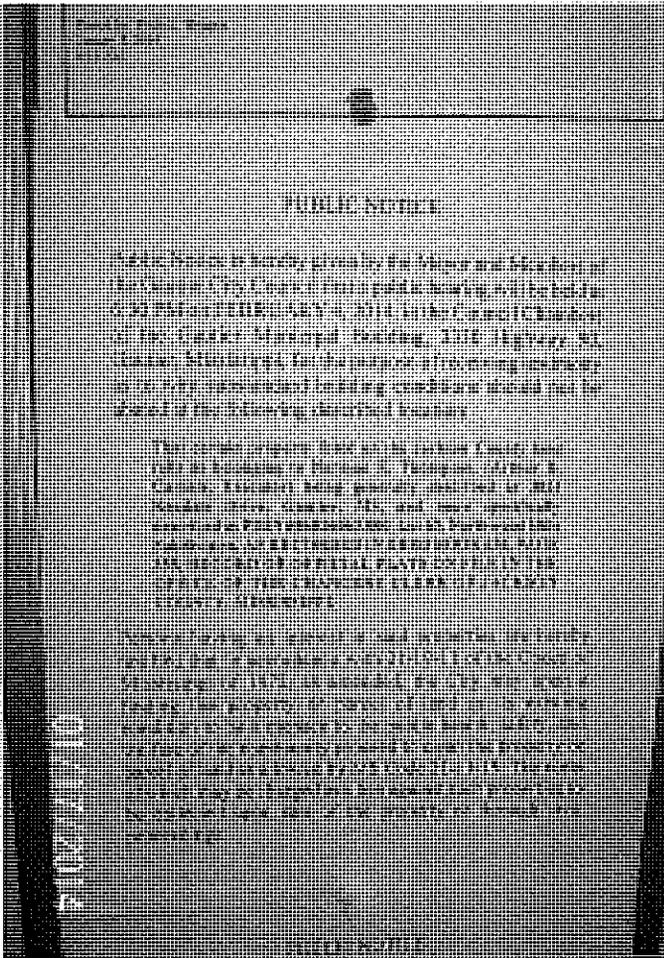
Active Y (Y/N) Primary Y (Y/N)

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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 024-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, pursuant to the Mississippi Codes Annotated, 1972 & Title 21, Chapter 19, Section 11 and based on all evidence and testimony presented at the public hearing, including the Planning and Economic Development Department's discussion paper, that the property owned by – Diana Musick, 2209 Laurel Glen Road, Gautier, Lot #20 Dellwood Hgts Subdivision and made the subject of this public hearing, to be a menace to public health, safety and welfare.

Based on these findings, the Mayor and Members of the Council hereby approve and authorize abatement proceedings as recommended by the Planning and Economic Development Department – Diana Musick, owner, 2209 Laurel Glenn Road, PIDN 85700107.000, COM NEC Lot #20 Dellwood Hgts S/D N 66 Deg E 81.7' E 310' to POB E 75' S 150' N 150' to POB PT Lot #5 James Martin EST S/D Deed BK 1631, page 830.

IT IS FURTHER ORDERED that the City is authorized to clean up and secure property with a thirty (30) day grace period.

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

Motion was made by **Councilman Colledge** seconded by **Councilwoman Martin** 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 February 4, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joe Belles, Code Enforcement Officer
Through: Patty Huffman, Grants and Project Manager
Chandra Nicholson, Planning and Economic Development Director
Date: January 13, 2014
Subject: 2209 Laurel Glen Road Gautier, Mississippi 39553.
Conduct public hearing to determine if the property or parcel of land is a menace to the public health, safety and welfare of the community.

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City of Gautier, the Mayor and City Council will conduct a public hearing and receive public comment(s) regarding staff's recommendation to clean this private property and removal or demolition of the unauthorized structure.

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 calls, 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 the dilapidated structure. Neighbors are concerned for the health, safety and welfare of their neighborhood. Code enforcement informed the owner by letter on December 9, 2012, the property would be recommended for a public hearing if not in compliance by January 6, 2014. On January 4, 2014, the Mayor and City Council set a public hearing date of February 4, 2014, and all interested parties were notified by letter. Additionally, both the property and city bulletin board were posted with a copy of the public hearing notice two weeks prior to the scheduled hearing.

DISCUSSION:

The primary goal is to clean up and maintain the overgrown property pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, and remove or demolish the unauthorized structure.

RECOMMENDATION:

Staff recommends the Mayor and Council should allow the responsible party until February 28, 2014, to clean up the property and relocate or demolish the structure. If the property is not cleaned and structure relocated or demolished by February 28, 2014, the Mayor and Council should direct staff to commence with clean up of the property as prescribed after the statutory 10-day appeal period from the date of Council action and adjournment.

ATTACHMENT(S):

Enclosures 10:

1. Quasi-Judicial procedures
2. Property tax document
3. Parcel information
4. Jan 9, 2013, Letter of notification public hearing
5. Public Notice Document Posted two weeks prior to public hearing
6. Dec 9, 2013, Letters of notification to set date for public hearing
7. Aug 14, 2013, Letter of violation
8. May 14, 2013. Letter of violation
9. Mar 15, 2013, Letter of violation
10. Misc Photos of property (4 pgs)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.