

**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: April 8, 2014
Subject: 5401 Carter Road Ocean Springs Mississippi 39564.
Lien/Council Order Request to Adjudicate Private Property Clean Up Costs.

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the private property identified below was cleaned to the satisfaction of the Planning and Economic Development Director.

Per the attached invoice from TRI-STAR Demolition Service, who was authorized to remove all trash, debris, boats, vehicles, and the demolition of all dilapidated structures located on the property. The City of Gautier, incurred a cost of \$5,480.00 with funding provided by the State of Mississippi, Solid Waste Assistance Grant.

Legal Description: PIDN 85298072.000
Lots 55 & 56 Fountainebleau Acres
Deed Book 1218, page 631

Property Address: 5401 Carter Road Ocean Springs Mississippi 39564

Owners of Record: Harrield A. Teague
Teresa Ann Teague (Address Unknown)

Last Known Address: 6436 Highway 57
Ocean Springs Mississippi 39564

BACKGROUND:

This property was approved for private property clean up during the City of Gautier, Council Meeting and Public Hearing held on March 4, 2014. After considering staff and the owner's comments during the public hearing, the mayor and city council approved the recommendation of staff to clean up the private property after the statutory 10-day appeal period from the date of council action and adjournment (March 18, 2014). The property owner was afforded the opportunity to clean the property before the city proceeded to clean the property. TRI-STAR Demolition Service started the authorized property clean up of trash, debris, boats, vehicles and the demolition of all dilapidated structures, on April 5, 2014 and completed the task on April 8, 2014, to the satisfaction of the Planning and Economic Development Department.

DISCUSSION:

Mississippi Statute provides procedures for municipalities to clean private property determined to be a menace to the municipal community 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.

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. The State of Mississippi, Solid Waste Assistance Grant procedures also directs the recovery of funds when possible.

ATTACHMENTS 6:

1. Council Decision Letter
2. Property tax document
3. Parcel information
4. Invoice
5. Photos
6. Revised Order Request

Mayor
Gordon F. Gallott

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia 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 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



March 5, 2014

Harrield A. Teague
Teresa Ann Teague
6436 Highway 57
Ocean Springs, Mississippi 39564

COPY
mailed 3-05-14
JB

Reference: 5401 Carter Road Ocean Springs, Mississippi 39564

Mr. Teague,

The City of Gautier, Mayor and City Council held a public hearing on March 4, 2014, pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11, concerning the above referenced property. After hearing, comments from both the owner and 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.

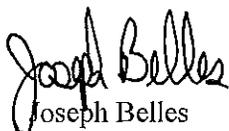
Based on the decision of the governing authority, if the owner does not do so by March 31, 2014, the city shall proceed to clean the land by the use of municipal workers or by contract. The scope of the work may include cutting grass and weeds, filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated building, personal property, debris, and draining cesspools/standing water from the property.

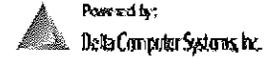
Additionally, the municipality may reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearings. Notice will be posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

Again, you have until March 31, 2014, 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, ext 318 or cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer



Property Link

JACKSON COUNTY, MS

Current Date 1/15/2014

Tax Year 2013

Records Last Updated 1/14/2014

PROPERTY DETAIL

OWNER	TEAGUE HARRIELD A & TEAGUE TERESA ANN 6436 HWY 57 OCEAN SPRINGS MS 39564	ACRES : 10.00 LAND VALUE : 10260 IMPROVEMENTS : 670 TOTAL VALUE: 10930 ASSESSED : 1640
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PARCEL 85298072.000
ADDRESS 5401 CARTER

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	85.06	0.00	85.06
CITY	56.65	0.00	56.65
SCHOOL	86.27	0.00	86.27
TOTAL	227.98	0.00	227.98

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION

EXEMPT CODE		LEGAL LOTS 55 & 56 FOUNTAINEBLEAU
HOMESTEAD CODE	None	ACRES (E1/2 NE1/4 SE1/4 SE1/4
TAX DISTRICT	5800	&
PPIN	068047	W1/2 NE1/4 SE1/4 SE1/4)
SECTION	17	DB 1218-631 (114M Map774.17)
TOWNSHIP	7S	
RANGE	7W	

Book **Page**

TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
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NO TAX SALES FOUND

[Back](#)

TRI-STAR

★ ★ ★

DEMOLITION SERVICE, LLC

228-219-6995

Date 4/15/2014	04152014-01
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BILL TO:
City of Gautier 3330 HWY 90 Gautier, MS 39553

Please Remit: Tri-Star Demolition 3736 Baywood Drive Moss Point, MS 39563 228-219-6995

Service Location:
5401 Carter Rd Gautier, MS 39553

Phone Number:	Project
Joe Belles-Code Enforcement Officer 228-219-7035	Demolition of multiple structures

Service Date	Item	Description	Amount
4/4/14 thru 4/15/14	<ul style="list-style-type: none"> • Demolition and removal of structures and debris complete 		\$5,480.00

Tri-Star Demolition is licensed and insured with the City of Gautier and has completed the following at above location as of April 14, 2014:

- Demo 2 mobile homes
- 2 Fiber glass dilapidated storage containers
- Removed 15 small trees to clear work area
- Large barn and tack room
- 1 sailboat hull, 1 fiber glass boat hull
- Cleaned home site complete
- Contractor will secure the necessary permits
- 3 loads of fill dirt to stabilize wet ground conditions

DELIVERY FEE	
TAX RATE	
SUBTOTAL	\$5,480.00
TOTAL	\$5,480.00

Joseph Belles

 Client's Signature

4/16/14

 Date

[Signature]

 Tri-Star Demolition Services, LLC

4/15/14

 Date

**THANK YOU FOR
YOUR BUSINESS!**

Parcel Information

PIDN: 85298072.000
GISP: 774.17-00-0114.00M

Owner Information

Name: TEAGUE HARRIELD A & Percent of Ownership: 100
Name2: TEAGUE TERESA ANN
Mailing Address: 6436 HWY 57 Physical Address: 5401 CARTER RD GAUTIER
OCEAN SPRINGS MS 39564

Land Information

Section, Township, Range: 17 7S 7W Acreage: 10
Street Name: CARTER RD

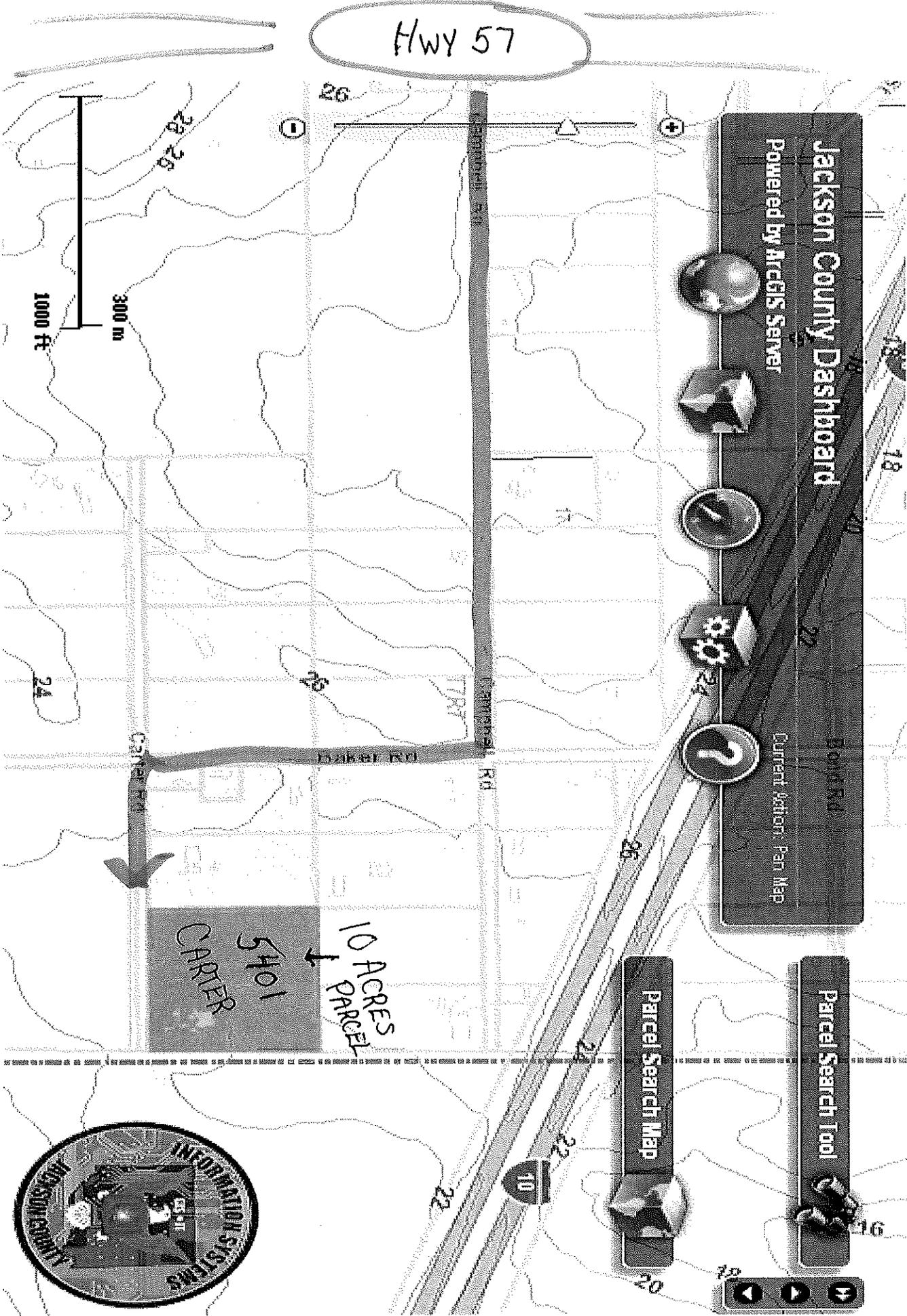
Value and Tax Information

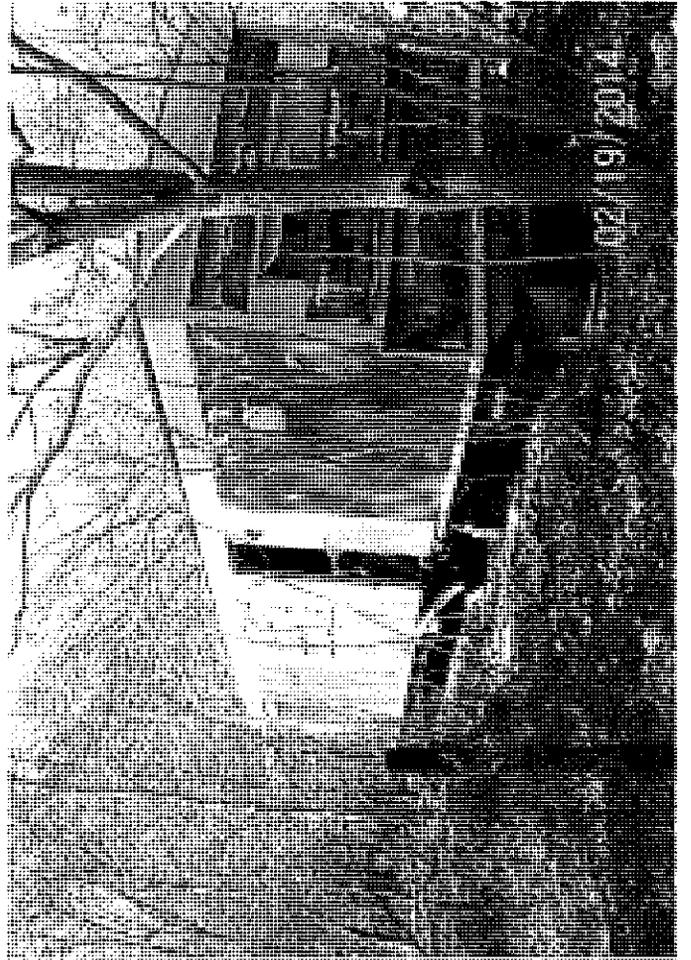
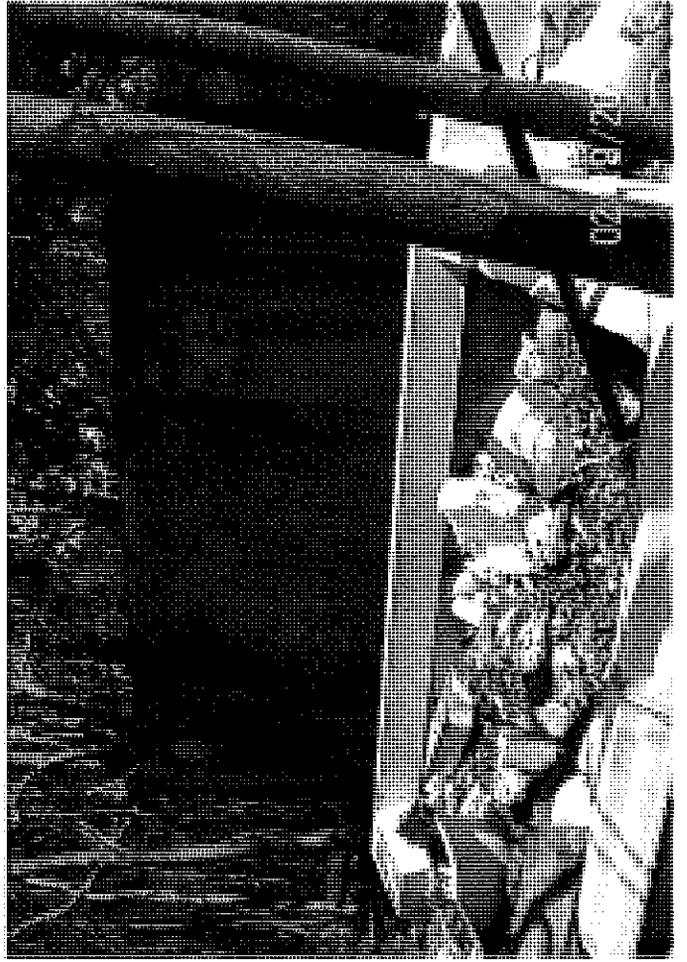
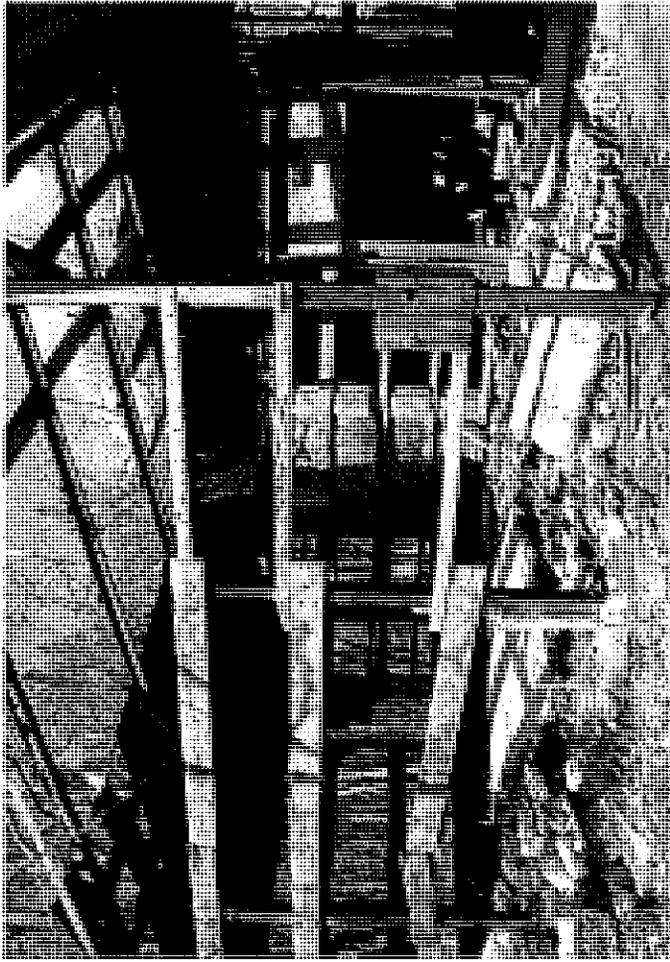
Total Assessed Value: 1663 Total Appraised Value: 11080
Improvement Value: 670 Land Value: 10410
Tax Amount: 227 SQ. FT: 0 Year Built: 1968

Legal Description

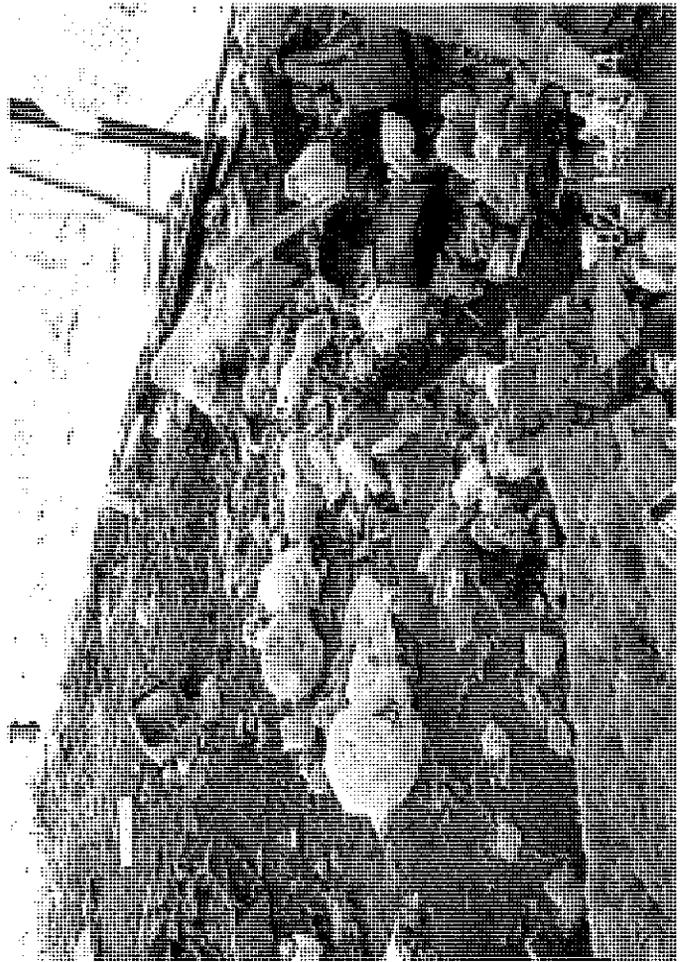
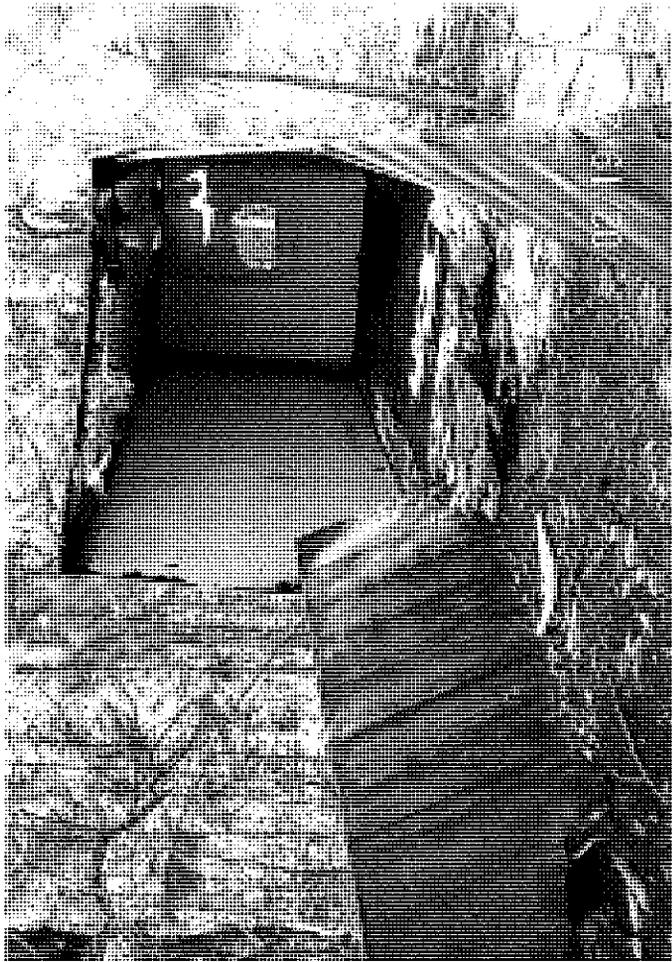
Description: LOTS 55 & 56 FOUNTAINEBLEAU ACRES (E1/2 NE1/4 SE1/4 SE1/4 & W1/2 NE1/4 SE1/4 SE1/4) DB 1218-631
(114M Map774.17)

Deed Book / Page: 1218 / 631

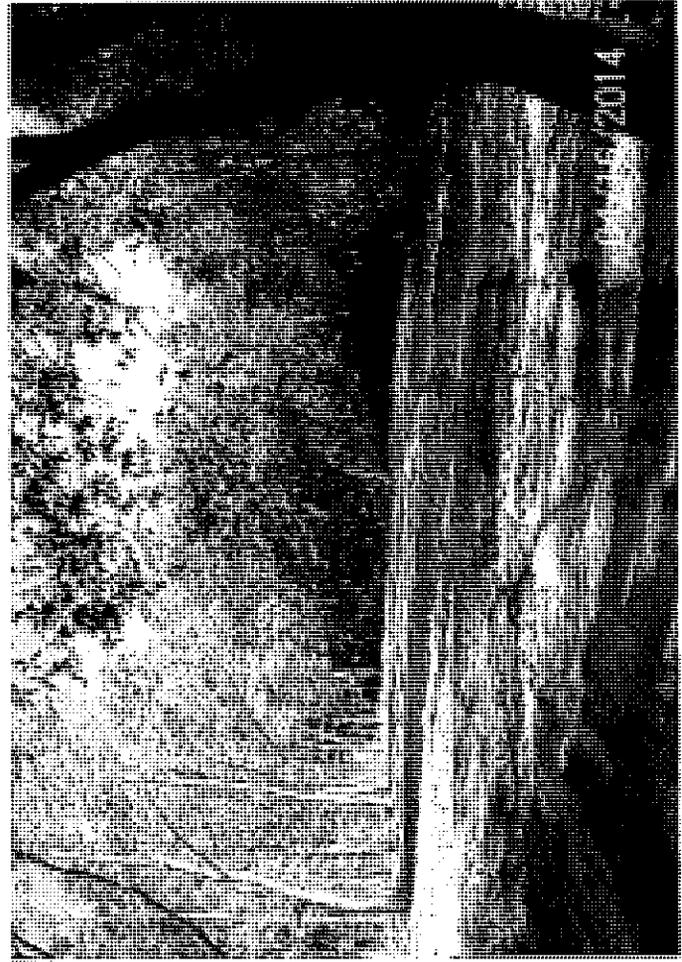
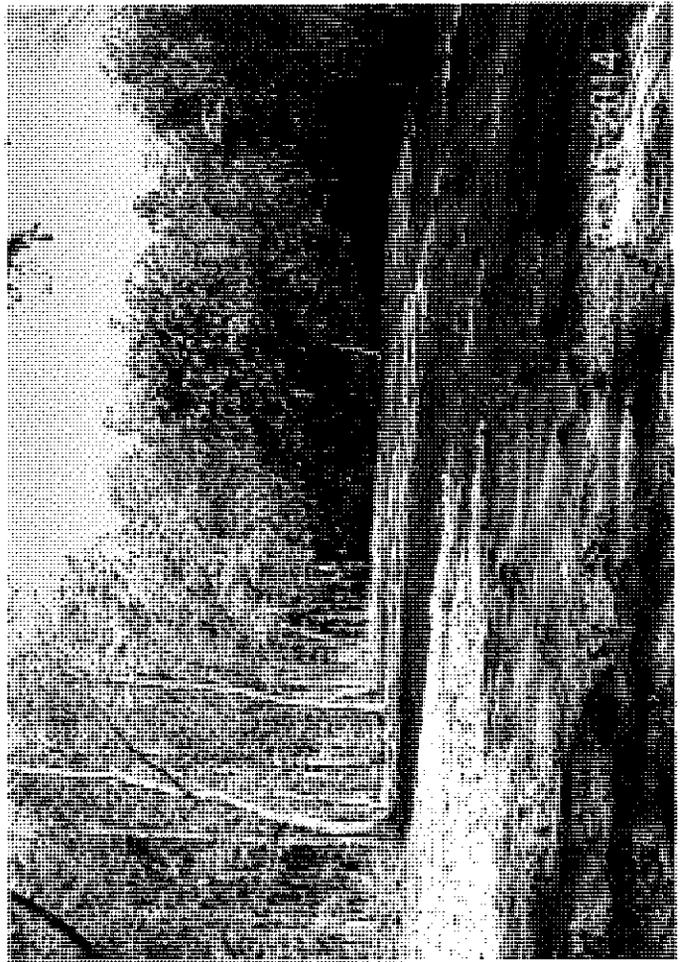
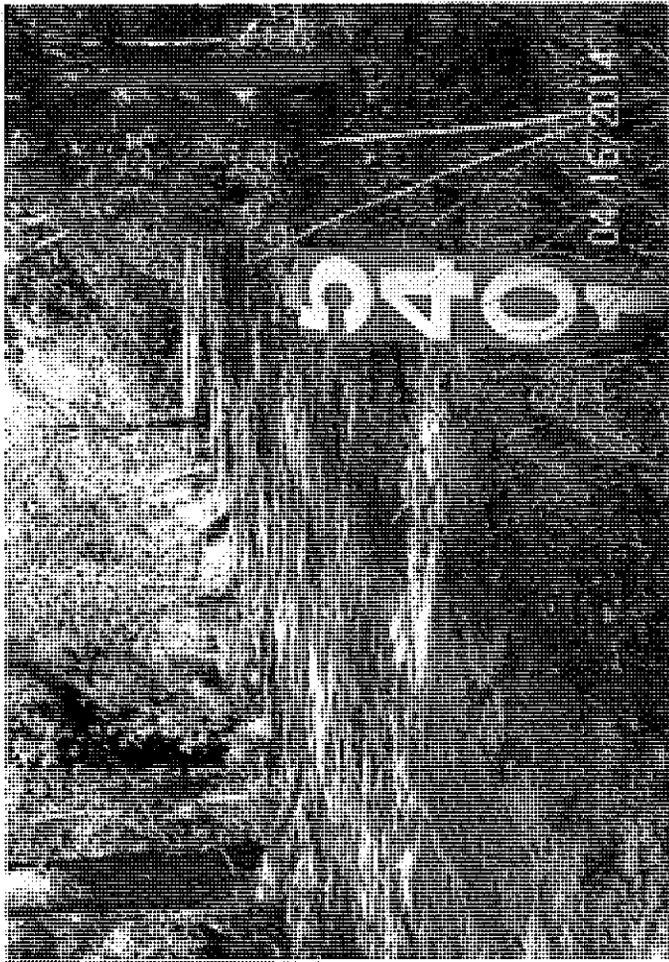




BEFORE



BEFORE



AFTER

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

ORDER NUMBER 000-2014

AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED AT 5401 CARTER ROAD GAUTIER, MS 39553 FOR FEES AND CHARGES INCURRED BY THE CITY OF GAUTIER TO CLEAN AND REMOVE THE UNSAFE CONDITIONS AND DILAPIDATED 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 \$5,480.00 for the (demolition, removal and clean up of a derelict residential property, considered a menace to the public health, safety, and welfare of the community) located at 5401 Carter Road, in the City of Gautier, Jackson County, Mississippi; and

NOW THEREFORE, IT IS HEREBY ORDERED by the Mayor and Council of the City of Gautier, Mississippi that a lien in the amount of \$5,480.00 is hereby placed on the following described property at 5401 Carter Road, Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lots 55 & 56 Fountainebleau Acres, Deed Book 1218 page 631 (348 MAP771.12-02)

Name and Address:

Harrield A. Teague
Teresa Ann Teague (Address Unknown)
: 6436 Highway 57
Ocean Springs Mississippi 39564

Parcel Identification Number 85298072.000

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:

ATTEST:

MAYOR

CITY CLERK

BLANK by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of April 16, 2014.