

There came on for consideration at a meeting of the City Council of the City of Diamondhead, Mississippi, held on the 16th day of August 2022, the following Resolution:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED NEGLECTED PROPERTY AND THE HEREIN DESCRIBED INOPERABLE VEHICLE IS A SERIOUS PROBLEM TO THE COMMUNITY AND WELFARE OF THE CITIZENRY OF THE CITY AND AUTHORIZING ADVERTISEMENT FOR BIDS OR TO OBTAIN QUOTE(S) TO CUT AND DESTROY THE WEEDS GROWING, REMOVE ALL LIMBS, TRASH AND DEBRIS, IF ANY, TO A PROPER DISPOSAL SITE AND REMOVE THE UNLICENSED VEHICLE AND TO ASSESS THE COSTS TO THE SAID PROPERTY

WHEREAS, the Mayor and City Council of the City of Diamondhead, Mississippi, (the "City"), pursuant to Mississippi Code Annotated §21-19-11, 1972, as amended, finds, determines, and adjudicates, based upon the investigation of the City's Building Department, that the neglected property and unlicensed vehicle described below is such a menace to the public safety, and welfare of the citizenry of the City; and

WHEREAS, said neglected property and unlicensed vehicle, as described herein, is within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi; and

WHEREAS, the neglected property and unlicensed vehicle investigated by the Building Department and recommended by the Building Official for adjudication as being unsightly, noxious, provides a harborage for pests and rodents, creates pollen dust problems, is an attractive nuisance for children, and to be a menace to the public health, safety and welfare of the citizenry of the City is identified as:

Property located at 10758 Luawai Place, Parcel Number 067G-1-25-238.000. The property has a dwelling, a beige colored manufactured home (single wide) with an attached carport. The unlicensed vehicle is a silver colored 2004 Buick CXL 4H, VIN Number 3G5DB03E24S513520, Mississippi License Plate KAY 566, Expired 02/2016, located on the property at 10758 Lualini Place. The property and vehicle are owned by Dudley F. Billings.

WHEREAS, notice to the property owner was provided by the City pursuant to Mississippi Code Annotated §21-19-11, 1972, as amended, delivered by mail to Dudley F. Billings at 19415 Joanleigh Drive, Spring TX 77388, posted on the property at 10758 Luawai Place by City of Diamondhead Code Enforcement Officer Ty J. Wiltz and notice posted on the bulletin board at City Hall, all within Diamondhead, Mississippi; and

WHEREAS, the Mayor and City Council of the City of Diamondhead further find, determine and adjudicate that advertisement for bids or obtaining quotes to cut and destroy the weeds growing (defined as all grasses, annual plants and vegetation, other than trees or shrubs), remove all limbs, trash and debris, if any, to a proper disposal site and remove the unlicensed vehicle from the above referenced property should be made in the form and manner as provided by law; and

WHEREAS, the Mayor and City Council further find, determine, and adjudicate that the cost of removing, destroying and properly disposing of the weeds, limbs, trash, and debris, and removing the unlicensed vehicle shall not exceed the aggregate amount of \$20,000.00 per parcel per calendar year or the fair market value of the property subsequent to cleaning, whichever is more. In addition to any such cost associated with cleaning the property shall be a penalty in an amount equal to fifty percent (50%) of the actual cost to clean the property but in no case shall said penalty exceed \$1,500.00 in accordance with Mississippi Code Annotated §21-19-11, 1972, as amended. Said amount including penalty shall be assessed penalty shall be assessed as a lien against said property as provided by law and shall be enrolled in the office of the Circuit Clerk of Hancock County, Mississippi, as other judgments are enrolled, and in the office of the Chancery Clerk of Hancock County, Mississippi; and

WHEREAS, the Mayor and City Council of the City of Diamondhead further find,

determine, and grant authority to the Building Department or designee to re-enter the properties for a period of two (2) years without any further hearings if notice is posted on these properties and at City Hall, 5000 Diamondhead Circle, Diamondhead, Mississippi 39525, at least seven (7) days prior to re-entering the properties for resolution of the same type of violation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That the property at 10758 Luawai Place be and hereby are declared to be a menace to the public health, safety, and welfare of the citizenry of the City of Diamondhead.

SECTION 3. That the City Clerk be and hereby is authorized to advertise for bids for bid or obtain quote(s) to remove, destroy and properly dispose to a proper site the weeds, limbs, trash, and debris and remove the unlicensed vehicle described hereinabove and lying within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi.

SECTION 4. That the cost of removing, destroying, and properly disposing of the growing weeds, limbs, trash and debris and removal of the unlicensed vehicle of the herein described neglected property, including any penalty assessed, shall be a lien against said properties as provided by law and shall be enrolled in the office of the Circuit Clerk of Hancock County, Mississippi, and in the office of the Chancery Clerk of Hancock County, Mississippi.

SECTION 5. That the Mayor and City Council of the City of Diamondhead further find, determine, and hereby grant authority to the Building Department or any designee thereof to re-enter the property for a period of two (2) years without any further hearings if notice is posted on this property and at City Hall, 5000 Diamondhead Circle, Diamondhead, Mississippi 39525, at least

seven (7) days prior to re-entering the properties for resolution of the same type of violation.

Councilmember _____ moved for the adoption of the Resolution,
which was seconded by Councilmember _____.

Upon being put to a roll call vote, the following ballots were cast:

| | Aye | Nay | Absent |
|--------------------------|-----|-----|--------|
| Councilmember Finley | ___ | ___ | ___ |
| Councilmember Liese | ___ | ___ | ___ |
| Councilmember Cumberland | ___ | ___ | ___ |
| Councilmember Clark | ___ | ___ | ___ |
| Councilmember Maher | ___ | ___ | ___ |
| Mayor Depreo | ___ | ___ | ___ |

WHEREUPON the Mayor declared the Motion carried and the Resolution adopted,
this the 16th day of August 2022.

ATTEST:

ADOPTED:

CITY CLERK

MAYOR