

There came on for consideration at a meeting of the City Council of the City of Diamondhead, Mississippi, held on the **5th** day of **September, 2023**, the following Resolution:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PILES OF DEBRIS FROM LAND CLEARING 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 REMOVE THE PILES OF DEBRIS AT KANOA WAY (PARCEL NUMBERS 132R-0-10-028.000, 132R-0-10-030.000 THROUGH 132R-0-10-032.000, AND 132R-0-10-046.000 THROUGH 132R-0-10-051.000) 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 abandoned construction equipment described below is such a menace to the public safety, and welfare of the citizenry of the City; and

**WHEREAS**, said piles of debris, as described herein, is within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi; and

**WHEREAS**, the piles of debris investigated by the Building Department and recommended by the Building Official for adjudication as being unsightly, noxious, and to be a menace to the public health, safety and welfare of the citizenry of the City is identified as:

Property located at Kanoa way (Parcel Numbers 132R-0-10-028.000, 132R-0-10-030.000 through 132R-0-10-032.000, and 132R-0-10-046.000 through 132R-0-10-051.000), Lots 14, 16-18, 32-37 Block 3, Diamondhead Phase 2, Unit 1. The property is owned by 1 D.P.D, LLC, Registered Agent Bradley K. Drude.

**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 1 D.P.D, LLC, Registered Agent Bradley K. Drude at 1515 S. Carrollton Avenue, New Orleans, LA 70118, posted on the properties at Kanoa Way by City of Diamondhead Development Coordinator, J. Pat Rich 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 remove the above referenced construction equipment 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 the construction equipment, 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 removal, whichever is more. Said amount including a 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 Kanoa Way, be and hereby is 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 the abandoned construction equipment described hereinabove and lying within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi.

**SECTION 4.** That the cost of removing of the herein described abandoned construction equipment, 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 5th day of September 2023.

ATTEST:

ADOPTED:

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CITY CLERK

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MAYOR