

A RESOLUTION OF CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PARCEL OF LAND OWNED BY THE SECRETARY OF STATE OF MISSISSIPPI IS IN SUCH A STATE AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENRY OF THE CITY AND AUTHORIZING AND RATIFYING THE ACTION OF THE CITY MANAGER TO REQUEST QUOTE(S) AND TO HAVE A DANGEROUS TREE ON SAID LAND REMOVED AND TO ASSESS THE COSTS TO THE SAID PROPERTY, IF APPLICABLE

WHEREAS, the 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 Public Works Department, that a tree on a parcel of land described below is in such a state of danger due to high winds from Hurricane Zeta which struck the City on October 28, 2020 as to be a menace to the public health, safety, and welfare of the citizenry of the City; and

WHEREAS, an emergency declaration was made by the governing body of the City of Diamondhead on or about October 26, 2020 granting certain powers to the City to protect public safety pursuant to §33-15-17(d), MS Code Annotated 1972, as amended, and

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

WHEREAS, the parcel investigated by the Public Works Department and recommended by same for adjudication as being in such a state as to be a menace to the public health, safety and welfare of the citizenry of the City is identified as:

Secretary of State of Mississippi, owner, Parcel number 067H-2-25-408.000, 75 BLK 13 Diamondhead Phase2, Unit #7

- Remove one dangerous tree that is in imminent threat of falling thereby impacting and endangering multiple properties within the City of Diamondhead

WHEREAS, Consent to Entry on State-Owned Property from property owner Secretary of State of Mississippi was received by the City of Diamondhead, MS on or about

November 9, 2020 for the purpose of investigating the danger and the removal of same thereby obviating the need for further notice pursuant to Mississippi Code Annotated §21-19-11, 1972, as amended; and

WHEREAS, the City Council further find, determine, and adjudicate that the cost of the tree removal shall not exceed the aggregate amount of \$10,000.00 per parcel per calendar year or the fair market value of the property subsequent to the tree removal, whichever is less. The actual lowest quote received and accepted by the City Manager to remove the tree was for \$950.00 Said amount including a penalty, if applicable, 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, if applicable to State-Owned property.

NOW, THEREFORE, BE IT RESOLVED BY THE 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 identified as Tax Parcel Number: 067H-2-25-408.000 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 Manager be and hereby is authorized and the City Council hereby ratifies the acceptance of the lowest quote of \$950.00 to remove the dangerous tree as described hereinabove and lying within the corporate boundaries of the City of Diamondhead, Hancock County, Mississippi.

SECTION 4. That the cost of the tree removal of the herein described property,

including any penalty assessed, shall be a lien against said property 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, if applicable to State-Owned property.

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:

YEAS NAYS ABSENT

Depreo
Ward 1 Vacant
Moran
Morgan
Clark
L'Ecuyer

WHEREUPON, the Mayor declared the Motion carried and the Resolution adopted, this the _____ day of November, 2020.

ATTEST:

ADOPTED:

CITY CLERK

MAYOR