

RESOLUTION

WHEREAS, the City Council has heretofore determined that it appears that Beverly Whitten, 4166 Hwy 84 E, Laurel MS 39443 is the owner of property in the City of Laurel, Mississippi described as:

Avera Add that pt of Lots 1 & 6 Sec 5-8-11 in NW of NW (City of Laurel/Jones County Parcel No. 118Y-05-01-001.00 PPIN 8035. Also known as 108 E 7th St. Reference Number 60518)

and that such property contains a dilapidated structure in need of demolition, after which the lot shall be cleaned and any debris which may remain after demolition removed and then the property maintained on a regular basis;

WHEREAS, the City Council by its prior order set 5:30 PM on Tuesday, June 5, 2018 as the time and the City Council Chambers in the City Hall as the place of a hearing to determine whether or not the above described parcel of land is in such a state of uncleanness so as to be a menace to the public health and safety of the community; and,

WHEREAS, the Inspection Department has made several site inspections of the property address and has determined that the subject property should be cleaned as provided for in the 1997 Standard Housing Code, as Amended; under section 21-19-11, as Amended, MS Code of 1972; and the Standard Unsafe Building Abatement Code, 1985, with Amendments; and

WHEREAS, the owner listed above has received proper notice by mail, that this property in its current state is in an unsafe condition and a state of uncleanness so as to be a menace and a threat to the public health and safety of the adjoining property owners and the community; and

WHEREAS, a motion was made by Councilperson T. Comegys, and seconded by Councilperson Wheat to conduct a public hearing, and upon roll call vote the result was as follows:

YEAS: Capers, Wheat, Thaxton, Carmichael, S. Comegys, T. Comegys, Page

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREAS the President declared the motion carried; and

WHEREAS, no corrective action has been made by the owner by the date of this hearing; and

WHEREAS, the public hearing was held and the City Council does now find and adjudicate that the above described property in its present condition is a menace to the public health and safety of the community;

IT IS THEREFORE, ORDERED by the City Council pursuant to the authority of the 1997 Standard Housing Code as Amended; Mississippi Code of 1972, Section 21-19-11, as Amended, and the Standard Unsafe Building

Abatement Code, 1985 Edition, with Amendments, that the following be completed:

1. Since the above named owner has not done so himself/herself, the Inspection Department is hereby authorized and directed to proceed to have the property described above cleaned by cutting weeds, filling cisterns, removing rubbish, removing dilapidated fences, outside toilets, dilapidated buildings and other debris, removing abandoned or junk vehicles, draining cesspools and standing water from the property, and by spraying herbicide, if necessary and in accordance with the state laws for same, or so much thereof as may be necessary according to the Inspection Department. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty of One Thousand Five Hundred Dollars (\$1500) 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 of the municipality of using its own employees to do the work of the cost to the municipality of any contract executed by the municipality to have the work done, and the administrative costs and legal cost of the municipality. The action herein authorized shall not be undertaken against the owner more than six (6) times in any twelve month period with respect to removing dilapidated buildings, dilapidated fences, and outside toilets and no more than twelve (12) times in any twenty-four month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning shall not exceed an aggregate Amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. It is further ordered that the Inspection Department be granted permission to proceed in the obtaining of bids and/or taking any other action necessary to complete the clearing of this property and/or demolition of any structure on this property.

2. If it is determined by the governing authorities of a municipality that it is necessary to clean the above parcel of land more than once within a calendar year, then the municipality may clean such property provided notice to the property owner is given by United States regular mail to the last known address at least ten (10) days before cleaning the property and may assess the same penalty for each time the property is cleaned.

3. At the next regular meeting upon completion of such work, the Inspection Department shall report to the City Council the actual cost of cleaning said property in order that the Council may adjudicate the actual cost of cleaning said property and the cost may be an assessment against same.

4. The Council Clerk be, and she is hereby authorized and directed to give notice to the property owner of action hereby taken by mailing to the owner a copy of this Order and Resolution.

5. In the matter of the public hearing held this date in regard to whether the conditions of the above stated structure constituted a threat to the public health, safety and welfare of the community, the Council Clerk, at the request of the Inspection Department, shall enter into the minutes that a file marked EXHIBIT A containing notification data and pictorial evidence concerning the condition of the property was presented to the Council for review. It is further acknowledged that the Inspection Department did request that the Council the City of Laurel pass the foregoing resolution allowing the City to enter the property and demolish the dilapidated structure or structures, clean the property and assess the cost to the tax identification number of said property. Said Exhibit A and this resolution shall remain on file at the Inspection Department for the duration as required by law.

Motion was made by Councilperson S. Comegys, seconded by Councilperson T. Comegys, that the above and foregoing Resolution be adopted.

Upon roll call vote the result was as follows:

YEAS: Capers, Wheat, Thaxton, Carmichael, S. Comegys, T. Comegys, Page

NAYS: None

ABSTAINING: None

ABSENT: None

The President thereupon declared the motion carried and the Resolution adopted, this the 5th day of June, A.D., 2018.

PRESIDENT OF THE COUNCIL

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF THE COUNCIL ON

_____.

CLERK OF THE COUNCIL

APPROVED () DATE _____
VETO () DATE _____

MAYOR

ATTEST:

MUNICIPAL CLERK

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