

**A RESOLUTION DETERMINING PROPERTY OR PARCEL OF LAND WITHIN THE CITY OF GLUCKSTADT, MISSISSIPPI, TO BE A MENACE TO THE PUBLIC AND AUTHORIZING THE CITY TO CLEAN THE LAND AT 330 OLD JACKSON ROAD**

WHEREAS, the Mayor and the Board of Aldermen as the governing authorities of the City of Gluckstadt, Mississippi, are authorized under section 21-19-11 of the Mississippi Code of 1972, as amended, to conduct a hearing to determine and adjudicate whether any property or parcel of land within the municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community; and

WHEREAS, the Mayor and the Board of Aldermen of the City of Gluckstadt did conduct said hearing authorized under section 21-19-11 of the Mississippi Code on April 11, 2023; and

WHEREAS, the Mayor and the Board of Aldermen of the City of Gluckstadt did provide all required notices to the property owner under 21-19-11 of the Mississippi Code; and

WHEREAS, the Mayor and the Board of Aldermen did adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community;

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF GLUCKSTADT, MISSISSIPPI, AS FOLLOWS:**

1. The address of the subject real property is: 330 Old Jackson Road, within the municipal limits of Gluckstadt, Mississippi.
2. On April 11, 2023, the Mayor and Board of Aldermen did at its regular public meeting held at City Hall 343 Distribution Drive in Gluckstadt, conduct a hearing to determine and adjudicate whether the subject real property was in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community.
3. The Mayor and Board did determine that written notices to the property owner were provided at least two (2) full weeks before the date of the hearing in the following manner:

- (a) By United States mail, mailed to the address of the subject property;
- (b) By United States mail, mailed to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax;
- (c) By physical posting on the property or parcel of land alleged to be in need of cleaning; and
- (d) By physical posting at city hall or another place in the municipality where such notices are posted.

See Miss. Code Ann. § 21-19-11 (Rev. 2022).

4. The written notice included language that informed the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of two (2) years after final adjudication without any further hearing if notice is 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. A copy of the required written notice mailed and posted shall be recorded in the minutes of the regular meeting at which the hearing was conducted, and is now attached to this Resolution as “Exhibit A.”

5. Having heard from the City employee(s) who personally inspected the property, and having given opportunity for the property owner to be heard, the City does hereby find, determine, and adjudicate that the subject property in its condition at the time of the hearing is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community. Miss. Code Ann. § 21-19-11. The Mayor and Board also considered photograph(s) of the property in its current condition, and those photograph(s) are now attached to this

Resolution as “Exhibit B.” The Mayor and Board did allow time for any person in opposition to the City’s action to appear and be heard.

6. The City is hereby authorized, if the owner does not do so himself, to proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom. Miss. Code Ann. § 21-19-11.

7. For subsequent cleaning, the City is hereby further authorized to reenter the property or parcel of land for a period of two (2) years after final adjudication to maintain cleanliness without any further hearing if notice is 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.

8. The City is authorized to do so no more than six (6) times in any twelve-month period with respect to removing abandoned or dilapidated buildings, slabs, 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.

9. The Mayor and Board may by subsequent resolution adjudicate the actual cost of cleaning the property and may also 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.

10. If the Mayor and Board declare by subsequent resolution that the cost and any penalty shall be collected as a civil debt, the Mayor and Board may authorize the institution of a

suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Miss. Code Ann. § 21-19-11.

11. The expense of cleaning of the property, except as otherwise provided by statute for removal of hazardous substances, 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 more. Miss. Code Ann. § 21-19-11.

MOTION made to adopt the foregoing Resolution was made by Alderman Powell and SECONDED by Alderman Williams and the foregoing having first been reduced to writing, was submitted to a Roll Call Vote, the result was as follows:

Alderwoman Miya Warfield Bates voted:	<u>Aye/Nay</u>
Alderman Jayce Powell voted:	<u>Aye/Nay</u>
Alderman Richard Wesley Slay voted:	<u>Aye/Nay</u>
Alderman John Taylor voted:	<u>Aye/Nay</u>
Alderwoman Lisa H. Williams voted:	<u>Aye/Nay</u>

Whereupon, the Mayor declared the Motion carried and the Resolution adopted.

SO RESOLVED, ADOPTED, AND APPROVED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi at its regular meeting held on the 11th day of April 2023.

CITY OF GLUCKSTADT, MISSISSIPPI

BY: Walter Morrison  
WALTER C. MORRISON, IV  
MAYOR

ATTEST:

BY: *Lindsay Kellum*  
LINDSAY KELLUM  
CITY CLERK

[SEAL]



I, Lindsay Kellum, City Clerk and official custodian of the records of The Mayor and Board of Alderman of the City of GLUCKSTADT, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. \_\_\_\_\_, at Page No. \_\_\_\_\_.

*Lindsay Kellum*  
CITY CLERK

