

Supervisor ANGEL KIBLER-MIDDLETON moved the adoption of the following Order:

ORDER SETTING A HEARING PRUSUANT TO MISS. CODE ANN. § 19-5-105 (1972), AS AMENDED, TO ADJUDICATE AND DECLARE THAT PROPERTY OWNED BY TODD J. BABIN AND LOCATED AT 19141 WEST WORTHAM ROAD, SAUCIER, MISSISSIPPI 39574, BEING MORE PARTICULARLY IDENTIFIED AS PARCEL NO. 0604N-01-008.123, IS A MENACE TO THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS OF HARRISON COUNTY AND PROVIDING NOTICE OF A PUBLIC HEARING FOR THE 7TH DAY OF AUGUST, 2017, AT 10:00 A.M. TO DETERMINE WHETHER OR NOT HARRISON COUNTY SHOULD CLEAN THE PROPERTY AND ASSESS COSTS TO THE PRPERTY OWNER AND FOR RELATED PURPOSES

WHEREAS, the Harrison County Board of Supervisors has determined that the property owned by Todd J. Babin, 3957 Grilletta Court, Marrero, Louisiana 70072, located at 19141 West Wortham Road, Saucier, Mississippi 39574, and being more particularly identified as Parcel No. 0604N-01-008.123, is in such a state of uncleanliness as to be a menace to the public health, safety and the community; and

WHEREAS, the Board finds that a hearing should be held on the 7th day of August, 2017, at 10:00 a.m. in the Board of Supervisors Meeting Room, Harrison County Courthouse, First Judicial District, 1801 23rd Avenue, Gulfport, Mississippi 39501 to adjudicate whether said property is in such a state of uncleanliness as to be a menace to the public health, safety and the community; and

WHEREAS, notice of said hearing shall be sent by United States mail to Todd J. Babin, owner of the subject property, at 3957 Grilletta Court, Marrero, Louisiana 70072 and at 19141 West Wortham Road, Saucier, Mississippi 39574; and

WHEREAS, notice of said hearing shall be posted on the property located at 19141 West Wortham Road, Saucier, Mississippi 39574, being more particularly identified as Parcel No. 0604N-01-008.123, and at the Harrison County Courthouse, First Judicial District, 1801 23rd Avenue, Gulfport, Mississippi 39501. A copy of said Notice is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, if the Board of Supervisors, after a hearing on the matter, adjudicates that said property is in such a state of uncleanliness as to be a menace to the public health, safety and the community, the Board of Supervisors may, if the owner does not do so himself, proceed to have the land

cleaned by cutting weeds, filling cisterns, and removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris, and draining cesspools and standing water. Thereafter, the Board of Supervisors may at its next regular meeting by resolution adjudicate the actual cost of cleaning the land 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. The cost and any penalty shall become an assessment against the property; and

WHEREAS, the County may reenter the property or parcel of land to maintain cleanliness without further notice of hearing no 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) items in any twenty-four (24) month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land. The expense of cleaning the property 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. The Board of Supervisors may assess the same penalty each time the property or land is cleaned.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION II. Upon adoption of this Order, a public hearing shall be held on the 7th day of August, 2017, at 10:00 a.m. in the Board of Supervisors Meeting Room, Harrison County Courthouse, First Judicial District, 1801 23rd Avenue, Gulfport, Mississippi 39501 to consider whether or not the property owned by Todd J. Babin, 3957 Grilletta Court, Marrero, Louisiana 70072, located at 19141 West Wortham Road, Saucier, Mississippi 39574, and being more particularly identified as Parcel No. 0604N-01-008.123, is in such a state of uncleanliness as to be a menace to the public health, safety and the community requiring that it be cleaned, with the cost of same being assessed as a lien against the property in an amount not to exceed \$20,000.00 per year.

SECTION III. That a notice of this public hearing shall be posted on the property located at 19141 West Wortham Road, Saucier, Mississippi 39574, and being more particularly identified as Parcel No. 0604N-01-008.123, and at the Harrison County Courthouse, First Judicial District, 1801 23rd Avenue, Gulfport, Mississippi 39501. Further, said notice shall be sent by United States mail to Todd J. Babin at 3957 Grilletta Court, Marrero, Louisiana 70072 and 19141 West Wortham Road, Saucier, Mississippi 39574 advising him of this hearing and that he will have an opportunity to appear and present evidence as he may see fit.

Supervisor **CONNIE M. ROCKCO** seconded the motion to adopt the above and foregoing Order, whereupon the question was put to a vote with the following results:

Supervisor BEVERLY MARTIN	voted	AYE
Supervisor ANGEL KIBLER-MIDDLETON	voted	AYE
Supervisor MARLIN R. LADNER	voted	AYE
Supervisor KENT JONES	voted	AYE
Supervisor CONNIE M. ROCKCO	voted	AYE

The majority of the members present having voted in the affirmative, the motion was declared carried, and the Order adopted on this the 5th day of July 2017.

**BEFORE THE HARRISON COUTNY BOARD OF SUPERVISORS
HARRISON COUNTY, MISSISSIPPI**

**HARRISON COUNTY, THROUGH ITS
DULY ELECTED BOARD OF SUPERVISORS**

PLAINTIFF

VERSUS

**TODD J. BABIN
RESPONDENT**

NOTICE OF HEARING

TO: TODD J. BABIN
3957 GRILLETTA COURT
MARRERO, LOUISIANA 70072

TODD J. BABIN
19141 WEST WORTHAM ROAD
SAUCIER, MISSISSIPPI 39574

CHARLES DOSS
19141 WEST WORTHAM ROAD
SAUCIER, MISSISSIPPI 39574

PURSUANT to Miss. Code Ann. § 19-5-105 (1972), *et seq.*, and adopted Order attached hereto, Harrison County, Mississippi, by and through its duly elected Board of Supervisors, does hereby give notice to Respondent, that the Board will, on the 7th day of August, 2017, at 10:00 a.m., hold a hearing in the Board of Supervisors Meeting Room, Harrison County Courthouse, First Judicial District, 1801 23rd Avenue, Gulfport, Mississippi 39501, to consider the allegations that your property, located at 19141 West Wortham Road, Saucier, Mississippi 39574, being more particularly identified as Parcel No. 0604N-01-008.123, is in such a state of uncleanness as to be a menace to the public health and safety of the community. If at such hearing, the Board of Supervisors shall adjudicate your land to still be a menace to the public health, safety and the community after notice by United States mail and posting on the property and the courthouse, the board of Supervisors may, if you do not do so yourself, proceed to have the land cleaned, by cutting weeds, removing junked vehicles, tires, trash, and removing rubbish, and any other debris and draining cess pools and standing water remaining on the property. Thereafter, the Board of Supervisors may at its next regular meeting by resolution adjudicate the actual cost of



cleaning the land 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. The cost and any penalty shall become an assessment against the property; and the County may reenter the property or parcel of land to maintain cleanliness without further notice of hearing no more than six (6) times in any twelve (12) month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) items in any twenty-four (24) month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land. The expense of cleaning the property 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. The Board of Supervisors may assess the same penalty each time the property or land is cleaned as otherwise provided in this section. The assessment provided for shall be a lien against your property and may be enrolled in the office of the Circuit Clerk of the County as other judgments are enrolled, and the Tax Collector of the County shall, upon order of the Board of Supervisors, proceed to sell said land to satisfy said lien as now provided by law for the sale of lands for delinquent taxes.

You may appear in person, or through your representative, at the date and time of the hearing, to present any evidence you may deem appropriate in response to this notice and the allegations with regard to your property.

If you fail to appear and/or respond to this notice, a Judgment by default will be entered against you to clean your property as provided in Miss. Code Ann. 19-5-105 (1972), *et seq.*, with the assessment of such costs for cleanup of up to Twenty Thousand Dollars (\$20,000.00) per year, as a lien against your property.

ISSUED by the Harrison County Board of Supervisors, this the 5th day of July, 2017.

HARRISON COUNTY, MISSISSIPPI



Kent Jones, President

Harrison County Board of Supervisors

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Note: 1. Send by US Mail; 2. Post at Courthouse; and 3. Post on Property.