

Staff Summary Report



Hearing Officer Hearing Date: November 4, 2009

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **ALDRIDGE RESIDENCE** located at 738 West 13th Street.

DOCUMENT NAME: 20091104dssl05

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **ALDRIDGE RESIDENCE (PL090385/ABT09032)** (Shannon Aldridge & Shirlee Chars, property owners) Complaint CE083188 located at 738 West 13th Street in the R1-6, Single Family Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

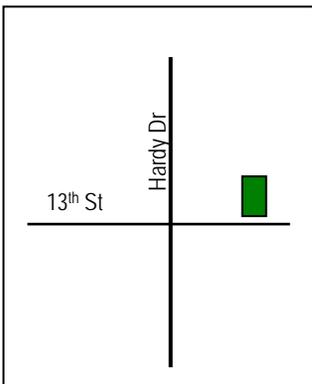
SEA

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **ALDRIDGE RESIDENCE (PL090385/ABT09032)** (Shannon Aldridge & Shirlee Chars, property owners) Complaint CE083188 located at 738 West 13th Street in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-15. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **ALDRIDGE RESIDENCE (PL090385/ABT09032)** (Shannon Aldridge & Shirlee Chars, property owners) Complaint CE083188 located at 738 West 13th Street in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

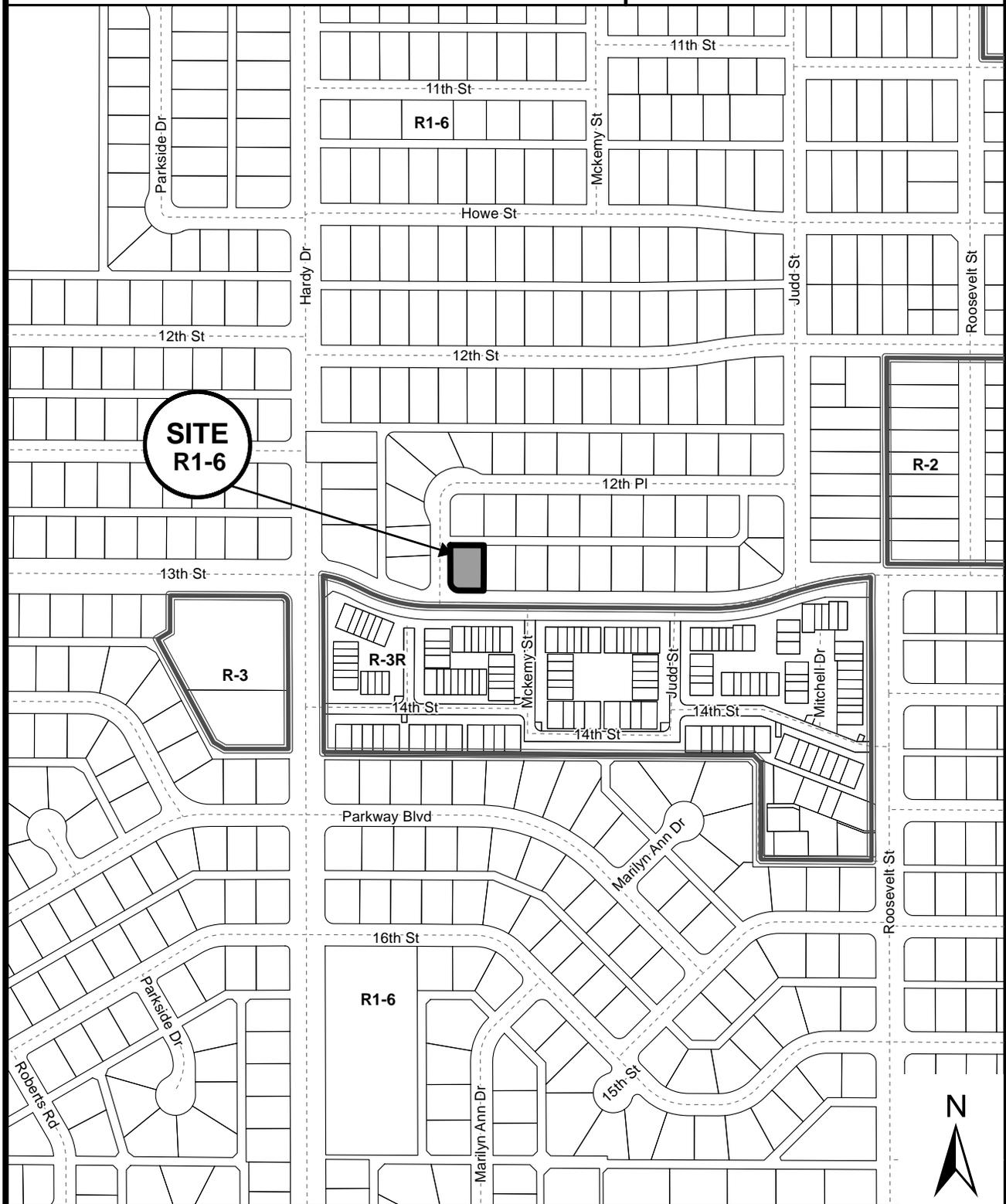
Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Shannon Aldridge & Shirlee Chars
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing Zoning – R1-6, Single Family Residential District

ALDRIDGE RESIDENCE

PL090385



Location Map



ALDRIDGE RESIDENCE (PL090385)

DATE: 09/30/2009
TO: Mike Spencer, Senior Code Inspector
FROM: Andres Lara
SUBJECT: Stuart Lance Aldridge, Shirlee A. Chars & Shannon Aldridge Property Abatement

LOCATION: 738 W 13th St, Tempe, AZ 85281

LEGAL: Book 124, Map 67, Parcel 108, as recorded with the Maricopa County Assessor

OWNER: Stuart Lance Aldridge
738 W 13th St.
Tempe, AZ 85281

FINDINGS:

- 04/15/2008 Property was inspected and found to have to have grass and weeds in the gravel of the front yard landscape and a tree stump on the west side of the front yard.. Between the fence and the sidewalk on the west side yard there is over height grass and weeds and dead cactus. Rear yard has over height grass and weeds with piles of stored items. A Volkswagen Jetta plate # 580-vtb is parked on west side of the residence with expired tags. Notice sent to the owners.
- 06/30/2008 Grass and weeds have been removed from the gravel of the front yard landscape. No change with the vehicle on the west side of the residence. No change with the stored items in the backyard. Second notice sent to owners.
- 07/21/2008 No change in the condition of the stored items, new wood fencing is being installed. The Volkswagen Jetta has been removed from the west side of the residence. Front yard landscaping has grass and weeds again growing through the gravel.
- 07/28/2008 No change in the condition of the landscape or stored items, first citation issued.
- 09/16/2008 According to case history \$25 has been paid towards the first citation. No change in the condition of the property, photos taken.
- 09/22/2008 Filing a criminal complaint against Shannon Aldridge.
- 01/5/2009 Attorney Andrew Davidson has an appointment scheduled with Shannon Aldridge concerning the property on the 14th of January. Wood fencing has been completely installed, but even more items have been stored

within the backyard.

- 06/22/2009 Property was inspected with some of the stored items removed, but numerous items remain.
- 06/23/09 Andrew Davidson (city prosecutor) & Chantz Tieman had a court hearing with Shannon Aldridge today at 10 am. During the Pre-trial Hearing she decided to enter into a plea agreement of 6 months of unsupervised probation with the terms that she would be given until 09/23/09 to clean up her yard.
- 07/23/09 Property was inspected with little change in its condition, majority of the items have been piled up in the middle of the backyard.
- 09/23/09 Met Shannon Aldridge at the property and she was working on the front and side yard. Some of the over height grass or weeds over gravel had been removed. Observed excessive trash, litter, debris, boxes, discarded furniture and bicycles stored in the back yard area. Abatement will be filed.

HISTORY:

- 01/19/1999 – 05/18/1999 Weeds and litter.
- 10/22/1999 – 09/01/2000 No roof, deteriorated landscape, trash and debris.
- 07/19/2001 – 01/17/2002 Deteriorated landscape.
- 04/01/2003 – 01/05/2004 Junk, debris and over height grass or weeds.
- 02/07/2006 – 04/10/2006 Junk and debris front and back yard.
- 06/05/2007 – 07/12/2007 Junk, debris, no house numbers and inoperable or unregistered vehicle.

RECOMMENDATIONS:

Three notices, one citation and criminal charges were issued to the property owner and resident; Stuart Lance Aldridge, Shirlee A. Chars and Shannon Aldridge concerning the violations at the residence with minimum response. Stuart Lance Aldridge, Shirlee A. Chars and Shannon Aldridge have failed to correct the violations and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: September 30, 2009

TO: Stuart Lance Aldridge
c/o Shirlee A. Chars
3172 N Rainbow Blvd Unit 41
Las Vegas, NV 89108

Shirlee A. Chars
1982 N Rainbow Blvd # 215
Las Vegas, NV 89108

Shannon Aldridge
738 W 13th St
Tempe, AZ 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 124, Map 67, Parcel 108, as recorded with the Maricopa County Assessor.

LOCATION: 738 W 13th St Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 4, 2009. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Excessive trash, litter, debris, boxes, discarded furniture and bicycles stored in the back yard area. (Ref - TCC 21-3-b-1)

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$1,529.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Andres Lara

Phone Number 480-858-2289



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

**STUART ALDRIDGE JR
2312 RAGLAND ST
LAS VEGAS, NV 89108**

NOTICE TO COMPLY

This notice to comply is to inform you that on 04-16-2008, the property located at 738 W 13TH ST was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 05-05-2008 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Please take the following corrective actions by 05-05-2008:

Required Correction(s):

- **White Volks-Wagon Jetta, Plate #580-VTB needs to be have current registration and inflated tires to be parked in the driveway, if not it needs to be moved to an enclosed area or be removed from the property. (see Code above)**
- **All grass and weeds on property (front and back) need to be cut to ground level.**
- **All edges and cracks need to be free and clear of grass and weeds.**
- **All dead cactus and tree stump needs to be removed from property.**
- **Along outside of west fence all grass, weeds and dead cactus need to be removed.**
- **Remove all piles of miscellaneous things in back yard. (see Code above)**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

The city has authority to abate the violation should the owner neglect, fail, or refuse to correct the violation within (30) days and to assess a lien against the property for cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Also Mailed to:

**SHANNON ALDRIDGE
738 W 13TH ST
TEMPE, AZ 85281**

Code Inspector: Chantz Tieman

Phone Number: 480-350-8146



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
FINAL NOTICE**

**SHANNON ALDRIDGE
738 W 13TH ST
TEMPE, AZ 85281**

NOTICE TO COMPLY

This notice to comply is to inform you that on 05-05-2008, the property located at 738 W 13TH ST was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 05-20-2008 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Please take the following corrective actions by 05-20-2008:

Required Correction(s):

- **White Volks-Wagon Jetta, Plate #580-VTB needs to be have current registration and inflated tires to be parked in the driveway, if not it needs to be moved to an enclosed area or be removed from the property. (see Code above)**
- **All grass and weeds on property (front and back) need to be cut to ground level.**
- **All edges and cracks need to be free and clear of grass and weeds.**
- **All dead cactus and tree stump needs to be removed from property.**
- **Along outside of west fence all grass, weeds and dead cactus need to be removed.**
- **Remove all piles of miscellaneous things in back yard. (see Code above)**

IF THE ABOVE IS NOT COMPLETED BY 05-20-2008, YOU MAY RECEIVE A \$450.00 CITATION.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

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Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

The city has authority to abate the violation should the owner neglect, fail, or refuse to correct the violation within (30) days and to assess a lien against the property for cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Also Mailed to:

**STUART ALDRIDGE TRUST
CHARS SHIRLEE A TRUSTEE
2312 RAGLAND ST
LAS VEGAS, NV 89108**

Code Inspector: Chantz Tieman

Phone Number: 480-350-8146

CASE # CE083188



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
FINAL NOTICE**

**SHANNON ALDRIDGE
738 W 13TH ST
TEMPE, AZ 85281**

**STUART ALDRIDGE TRUST
CHARS SHIRLEE A TRUSTEE
1982 N RAINBOW BLVD #215
LAS VEGAS, NV 89108**

NOTICE TO COMPLY

This notice to comply is to inform you that on **06-30-2008**, the property located at **738 W 13TH ST** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on **07-16-2008** or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

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Please take the following corrective actions by 07-16-2008:

Required Correction(s):

- **White Volks-Wagon Jetta, Plate #580-VTB needs to be have current registration and inflated tires to be parked in the driveway, if not it needs to be moved to an enclosed area (not just covered with tarp) or be removed from the property. (see Code above)**
- **All grass and weeds on property (front and back) need to be cut to ground level. (Continue to maintain)**
- **All edges and cracks need to be free and clear of grass and weeds. (Continue to maintain)**
- **All dead cactus and tree stump needs to be removed from property.**
- **Along outside of west fence all grass, weeds and dead cactus need to be removed. (Continue to maintain)**
- **Remove all trash, piles, broken objects, debris, unused, and inoperable things. The backyard should follow the above code 21-3-b-1.**

THIS IS YOUR FINAL EXTENSION OF TIME. IF THE ABOVE IS NOT COMPLETED BY 07-16-2008, YOU WILL RECEIVE A CITATION.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

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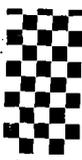
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Code Inspector: Chantz Tieman

Phone Number: 480-350-8146



JACK HARRINGTON
3831 W AVALON
PHOENIX, AZ. 85019
TEL: (602) 446-2630
FAX: (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDREAS
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 9-28-09 TIME: 11:30 A.M. _____ P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # TO8-092-02

ADDRESS: 73^W W. 13TH ST. TEMPE, AZ.

1. CLEAN BACK YARD OF ALL DEBRIS	
MAN HRS @ \$22./HR	\$704.00
2. POLICE OFFICE 8 HRS @ \$50./HR	\$400.00
3. 1 - DUMPSTER	\$425.00
TOTAL	\$1,529.00

THANK YOU

JACK HARRINGTON

ACCEPTANCE



