

# Staff Summary Report



Hearing Officer Hearing Date: December 16, 2008

Agenda Item Number: 10

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items located for the **EMC MORTGAGE CORPORATION PROPERTY (PL080433)** located at 3300 South Terrace Road.

**DOCUMENT NAME:** 20081216dsng02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **EMC MORTGAGE CORPORATION PROPERTY (PL080433/ABT08041)** (EMC Mortgage Corporation, property owner) Complaint CE086318 located at 3300 South Terrace Road in the R1-6, Single Family Residential District.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

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

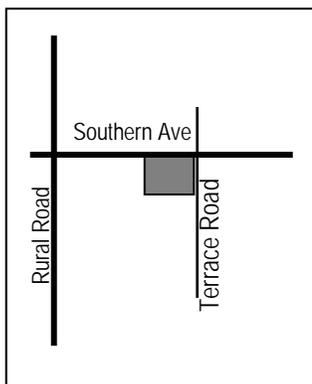
A handwritten signature in black ink, appearing to read 'SEA'.

**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 **EMC MORTGAGE CORPORATION PROPERTY (PL080433/ABT08041)** (EMC Mortgage Corporation, property owner) Complaint CE086318 located at 3300 South Terrace Road in the R1-6, Single Family Residential District. This property is located at the southwest corner of the intersection of Southern Avenue and Terrace Road. 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. To date, staff has received no public input on this case.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-9. Neighborhood Enhancement Report
- 10-12. Neighborhood Enhancement Photos

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **EMC MORTGAGE CORPORATION PROPERTY (PL080433/ABT08041)** (EMC Mortgage Corporation, property owner) Complaint CE086318 located at 3300 South Terrace Road in the R1-6, Single Family Residential District. This property is located at the southwest corner of the intersection of Southern Avenue and Terrace Road. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

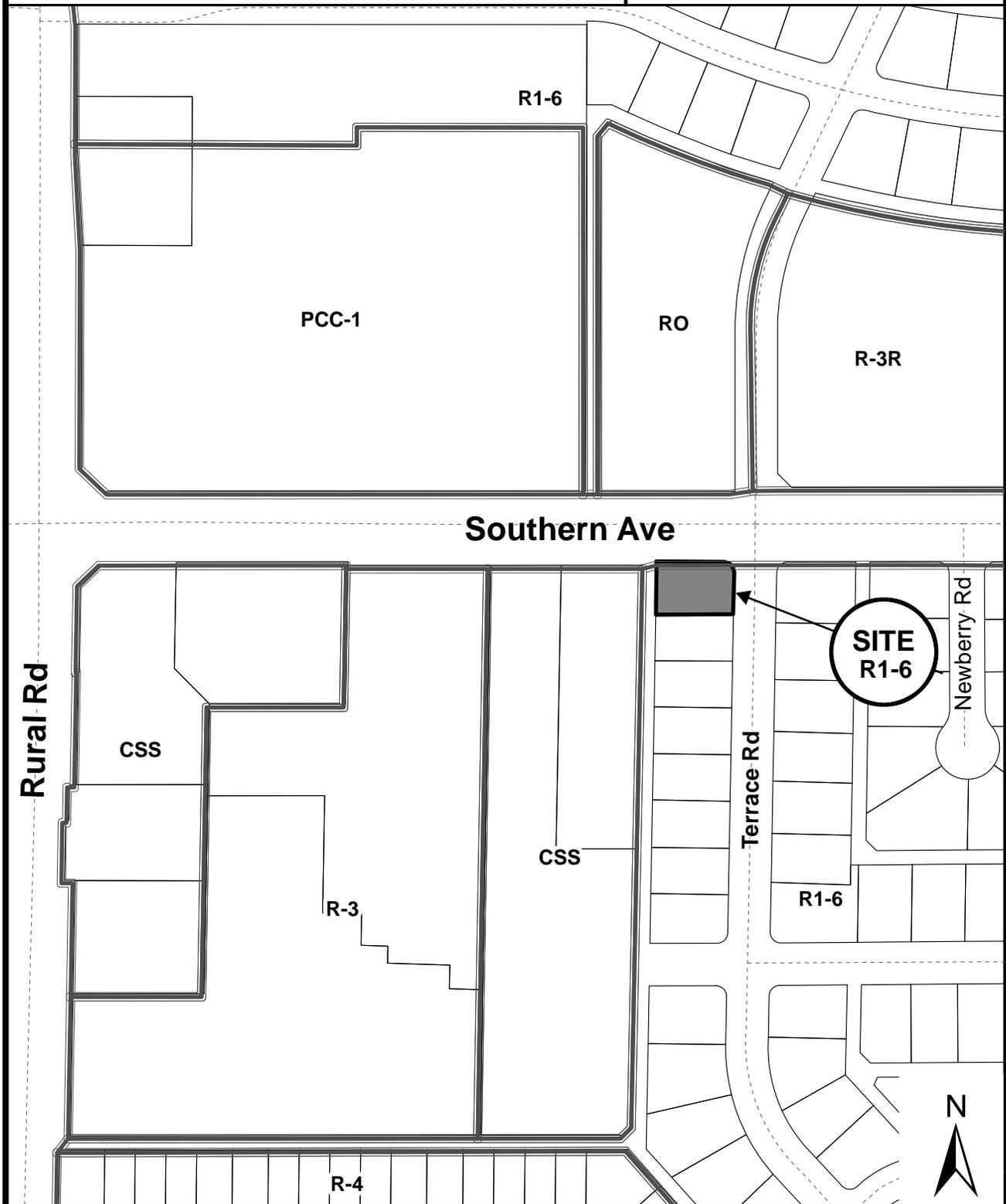
Staff recommends the authorization of abatement of this property.

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

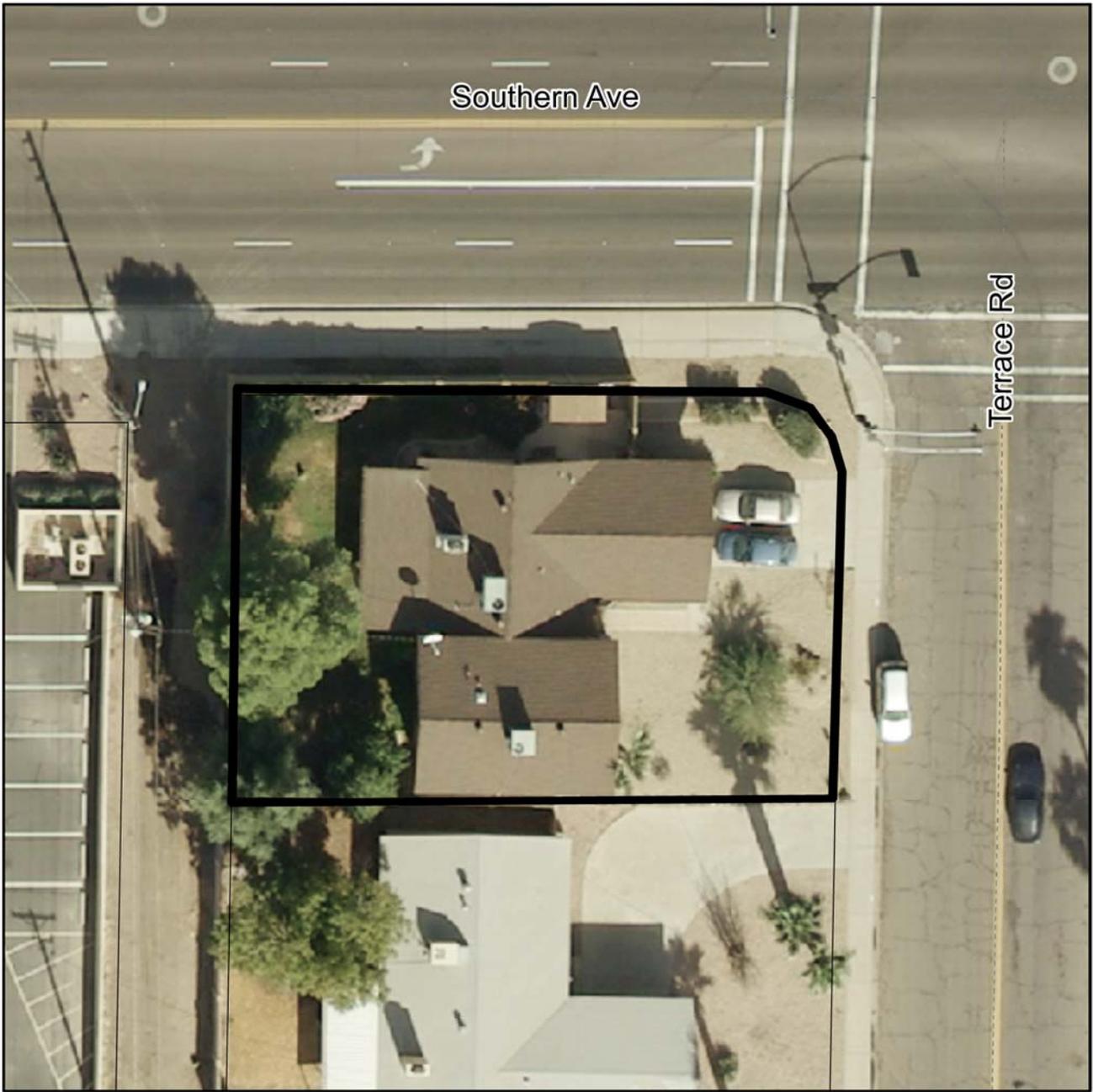
**DESCRIPTION:** Owner – EMC Mortgage Corporation  
Applicant – Julie Scofield, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,969 s.f./.18 acres  
Building area – 2,360 s.f.  
Year of construction – 1966

**EMC MORTGAGE CORPERATION**

**PL080433**



**Location Map**



**EMC MORTGAGE CORPERATION (PL080433)**

**DATE:** 11/17/08  
**TO:** Mike Spencer, Senior Code Inspector  
**FROM:** Julie Scofield, Code Inspector II  
**SUBJECT:** Request to Abate Nuisance Violations- Reference Complaint  
#CE086318

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**LOCATION:** 3300 S. Terrace Rd. Tempe, AZ 85282

**LEGAL:** Book 133, Map 54, Parcel 001, as recorded with the Maricopa County Assessor

**OWNER:** EMC MORTGAGE CORPORATION  
800 STATE HIGHWAY 121 BYPASS  
LEWISVILLE, TX 75067

**FINDINGS:**

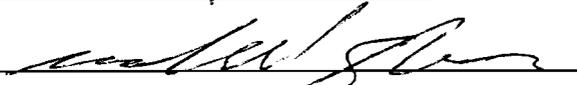
- 08/26/08 The Neighborhood Enhancement Department received a complaint for deteriorated landscape. The property was inspected. A large amount of grass and weeds are growing in the gravel landscaping. A courtesy notice was mailed to the owner, Fernando Mendoza to request compliance for the violation.
- 09/15/08 Re-inspected the property. There has been no change in the condition of the property. A final notice was sent to the owner to request compliance.
- 09/29/08 Re-inspected the property. There has been no change in the condition of the property. A check of the Maricopa County Records office indicated that the property is in foreclosure. A notice was sent to EMC Mortgage Corporation to request compliance.
- 09/30/08 An e-mail was sent to the bank preservation contact at EMC Mortgage Corporation to request compliance.
- 10/22/08 Re-inspected the property. There has been no change in the condition of the property. An estimate was requested from contractor Jack Harrington to abate the property.
- 10/29/08 Received the estimate for the abatement of the property in the amount of \$444.00
- 11/17/08 Re-inspected the property. There has been no change in the condition of the property. An application was submitted for the abatement of this property.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation of deteriorated landscaping be approved for the property at 3300 S. Terrace Rd. EMC Mortgage Corporation has been given ample time to come into compliance but, has failed to take corrective action.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: submit for abatement  
NAME   
DATE: 11-17-08



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

Neighborhood Enhancement Department

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/17/08

TO:

**EMC MORTGAGE CORPORATION  
800 STATE HIGHWAY 121 BYPASS  
LEWISVILLE, TX 75067**

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

**LEGAL: Book 133, Map 54 Parcel 001, as recorded with the Maricopa County Assessor.**

**LOCATION: 3300 S. TERRACE RD.  
TEMPE, AZ 85282**

**This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 12/16/08. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by removal and cleanup of grass and weeds growing through gravel landscaping. TCC 21-3-B-8 which prohibits landscaping that is dead, over height, damaged, or presents a deteriorated or slum-like appearance.**

**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 \$444.00. 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: Julie Scofield

Phone Number 480-350-8951

JACK HARRINGTON  
6828 N. 25TH DR., #B  
PHOENIX, AZ 85017  
TEL: (602) 446-2630  
FAX : (602) 347-5487  
FAX COVER & PROPOSAL

FAXED TO THE FOLLOWING NUMBER(S) : 480-858-2278

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10/29/12

TIME: 1:30 A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK AT  
ADDRESS: 3300 SOUTH TERRACE

1. MOW AND CLEAN FRONT YARD  
20 MAN HRS @ \$22./HR

\$444.00

TOTAL

\$444.00

THANK YOU

  
JACK HARRINGTON

ACCEPTANCE

\_\_\_\_\_

CASE #CE086318



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

Mailed on Date: 8/27/08

**FERNANDO MENDOZA  
22360 N. 68<sup>TH</sup> DR.  
GLENDALE, AZ 85310**

**NICK JASKEN  
3300 S. TERRACE RD.  
TEMPE, AZ 85282**

This notice to comply is to inform you that on 8/26/08, the property located at 3300 S. TERRACE RD. 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 9/11/08 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-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 action by: 9/11/08**

**Required Correction(s):**

- 1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.**
- 2. PLEASE MAINTAIN THE LANDSCAPING.**

***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.***

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**Civil and Criminal Penalties**

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

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

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

**Code Inspector: JULIE SCOFIELD**

**Phone Number: 480-350-8951  
E-mail: JULIE\_SCOFIELD@TEMPE.GOV**

CASE #CE086318



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

Mailed on Date: 9/16/08

**FERNANDO MENDOZA  
22360 N. 68<sup>TH</sup> DR.  
GLENDALE, AZ 85310**

**NICK JASKEN  
3300 S. TERRACE RD.  
TEMPE, AZ 85282**

This notice to comply is to inform you that on 9/15/08, the property located at 3300 S. TERRACE RD. 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 9/30/08 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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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;

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**Phone Number: 480-350-8951**

**E-mail: JULIE\_SCOFIELD@TEMPE.GOV**

CASE #CE086318



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

Mailed on Date: 9/30/08

**EMC MORTGAGE CORPORATION  
2780 LAKE VISTA DRIVE  
LEWISVILLE, TX 75067**

**EMC MORTGAGE CORPORATION  
800 STATE HIGHWAY 121 BYPASS  
LEWISVILLE, TX 75067**

This notice to comply is to inform you that on 9/29/08, the property located at 3300 S. TERRACE RD. 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 10/14/08 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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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 action by: 10/14/08**

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**Code Inspector: JULIE SCOFIELD**

**Phone Number: 480-350-8951**

**E-mail: [JULIE\\_SCOFIELD@TEMPE.GOV](mailto:JULIE_SCOFIELD@TEMPE.GOV)**

**PLEASE CORRECT THE VIOLATION TO AVOID AN ABATEMENT WHICH WOULD PUT A LIEN ON THE PROPERTY,**





