

Staff Summary Report



Hearing Officer Hearing Date: July 7, 2009

Agenda Item Number: 13

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **YOUNG PROPERTY (PL090209)** located at 104 East Huntington Drive.

DOCUMENT NAME: 20090707dsng06 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **YOUNG PROPERTY (PL090209/ABT09012)** (Laura Young, property owner) Complaint CE092832 located at 104 East Huntington Drive 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) *SEA*

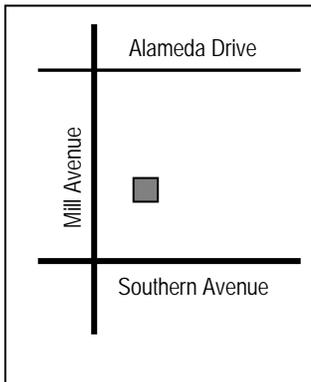
LEGAL REVIEW BY: N/A

DEPARTMENT 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 **YOUNG PROPERTY (PL090209/ABT09012)** (Laura Young, property owner) Complaint CE092832 located at 104 East Huntington Drive in the R1-6, Single Family Residential District. The residence is located northeast of the intersection of Mill Avenue and Southern Avenue. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends authorizing abatement of this property.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-8. Neighborhood Enhancement Report
- 9-10. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **YOUNG PROPERTY (PL090209/ABT09012)** (Laura Young, property owner) Complaint CE092832 located at 104 East Huntington Drive in the R1-6, Single Family Residential District. The residence is located northeast of the intersection of Mill Avenue and Southern Avenue. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Jody Benson, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

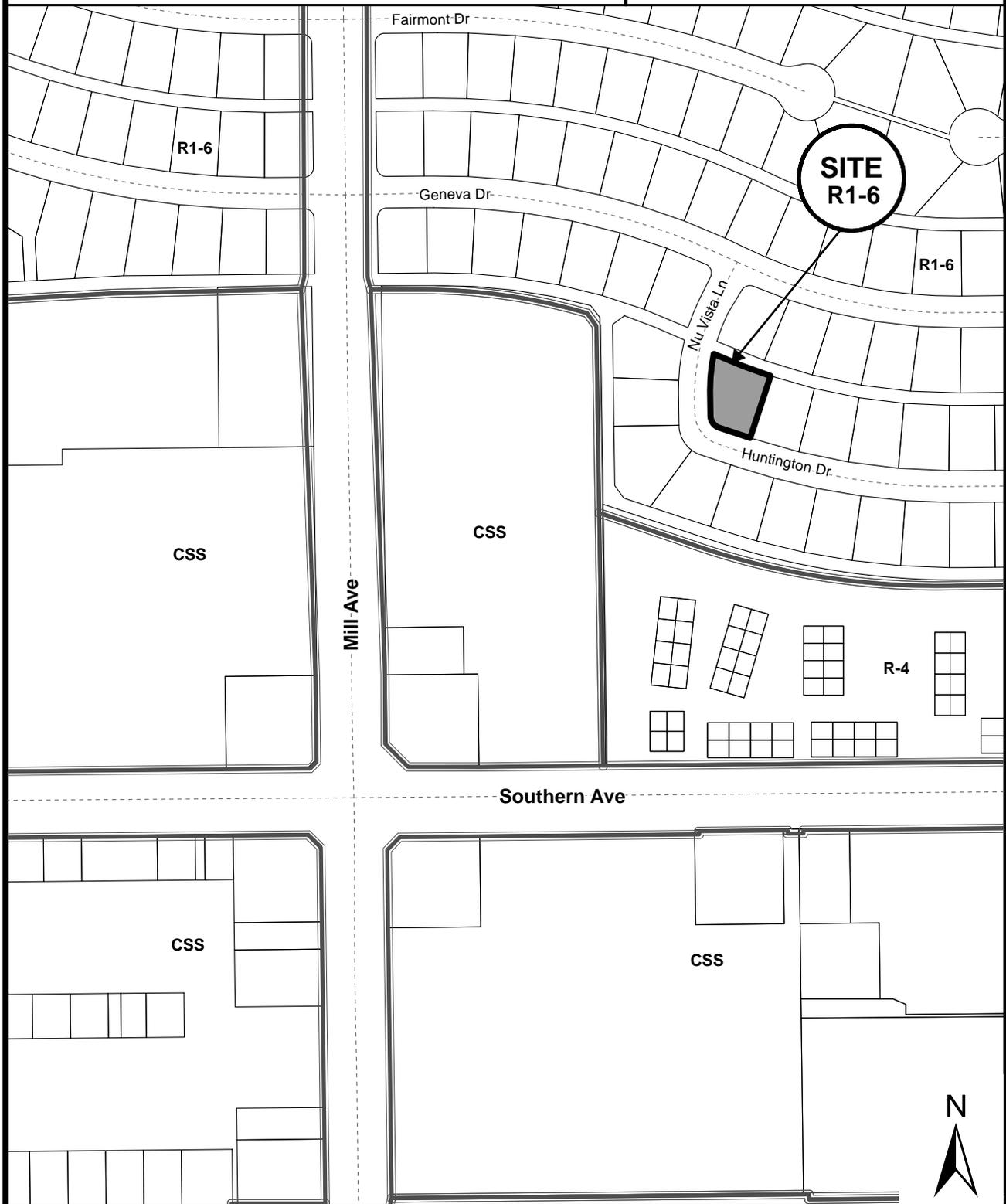
Staff recommends authorizing abatement of this property.

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

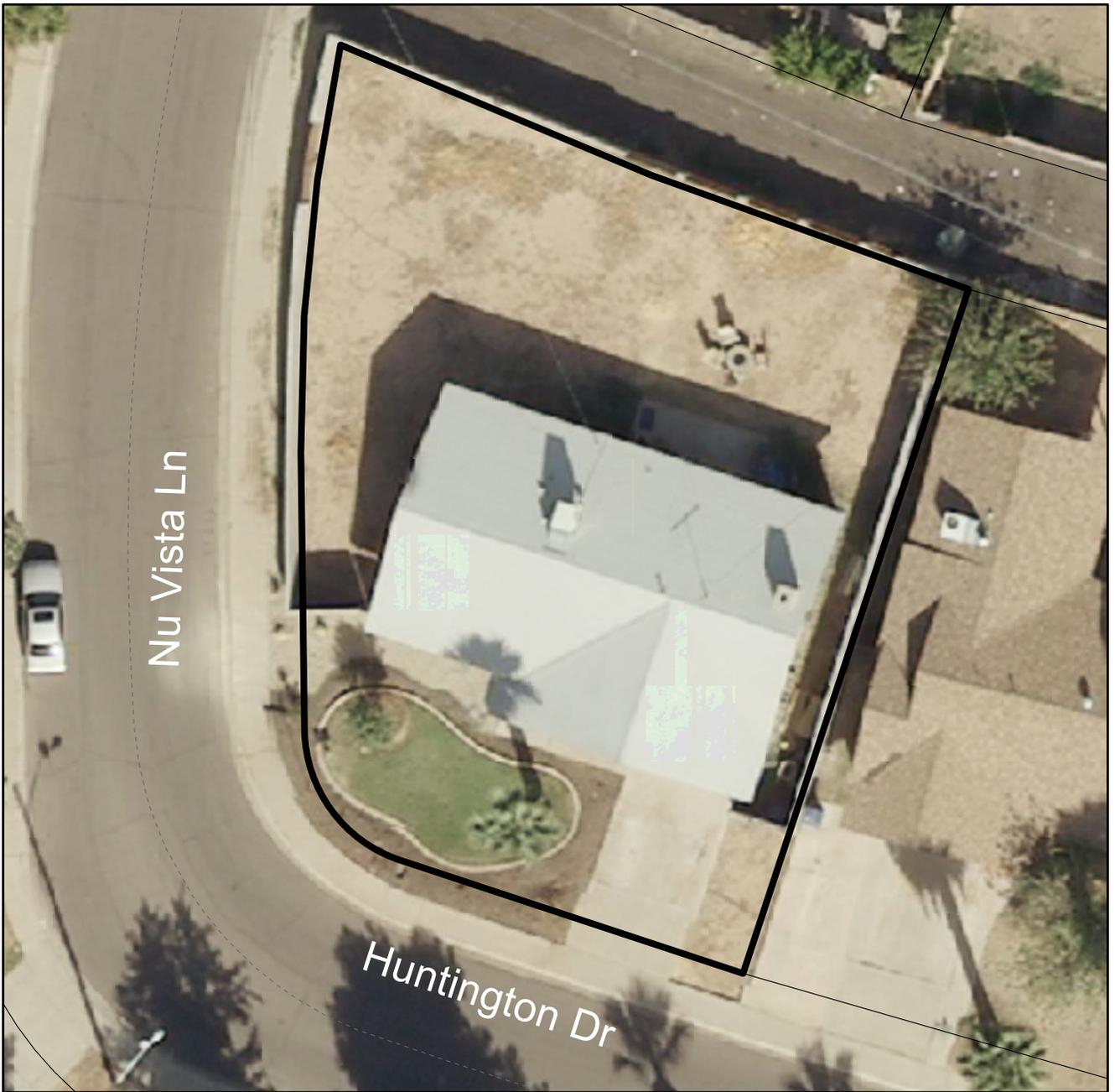
DESCRIPTION: Owner – Laura Young
Applicant – Jody Benson, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot Area – 8,642 s.f. / .198 acres
Building Area – 1,654 s.f.
Year of Construction – 1960

YOUNG PROPERTY

PL090209



Location Map



YOUNG PROPERTY (PL090209)

DATE: June 9, 2009
TO: Jan Koehn, Neighborhood Enhancement Administrator
FROM: Jody Benson, Code Inspector
SUBJECT: Request for Authorization to Abate Complaint CE092832

COMPLAINT: CE092832

LOCATION: 104 E. Huntington Drive, Tempe AZ 85282

LEGAL: Lot 226, NU-VISTA UNIT FOUR, according to Book 92 of Maps, Page 19 records of Maricopa County, Arizona.

OWNER: Laura Young
PO Box 7401
Chandler, AZ 85246

FINDINGS:

04/27/09 Received complaint opened for deteriorated landscape at 104 E. Huntington Drive.

04/29/08 Found the property to be in foreclosure and vacant. There are grass and weeds throughout gravel portions of the front and side yard landscape(s). There is a small dead tree in the front yard and over height grass and weeds in the back yard landscape.

After calling the trustee (Tiffany and Bosco P.A.) I discovered that the property did not sell on the posted date of January 28th, 2009. I was informed that the bank was attempting to work out arrangements with the owner. I was further informed that upon notice from the bank the property would go to auction immediately and that could be as soon as 05/13/09.

I called and spoke to the property owner Lara Young and discussed the property condition with her and gave her the option to either have the landscape attended to, to allow Neighborhood Enhancement to do a voluntary abatement at her request, or have a public hearing to request authority to abate the violations. The home is in the process of a short sale and an offer was made two months ago however the bank has not approved for the sale.

05/01/09 Received an abatement estimate for \$264.00 from Jack Harrington Inc. authorized abatement contractor for the City of Tempe.

05/05/09 I had several email correspondences and telephone calls with Laura Young and emailed her the authorization form for a voluntary abatement. I spoke to the realtor that is trying to sell the property for Lara Young and explained the abatement process to him also.

05/26/09 Inspected the property and found no change. I have not received any indication from Lara Young regarding the voluntary abatement. I took photographs of the property to begin abatement proceedings.

06/04/09 Sent and posted a notice of intent to abate for the 07/07/09 hearing.

06/09/08 Submitted request to abate the violations to Tempe Development Services.

COMPLAINT HISTORY

The following history reflects all valid complaints on this property since Laura Young established ownership of 104 E. Huntington Drive in March of 2007.

CE081287 **02/19/2008 through 10/31/08** Complaint for an Unregistered Rental Property and Deteriorated Landscape. Two citations were issued to Laura Young as well as the occupant of the rental property for Deteriorated Landscape. It took eight months to gain compliance. Jody Benson was the inspector.

RECOMMENDATIONS:

104 E. Huntington Drive is a vacant home that is in foreclosure. The property was set for auction on January 28th, 2009 and was subsequently postponed by the trustee.

There has been only one (1) prior complaint for 104 E. Huntington Drive dating back to 2007 for deteriorated landscape.

The home continues to be in violation of Tempe City Code 21-3(b)(8) for Deteriorated Landscape.

Without the intervention of abatement the property at 104 E. Huntington Drive will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Lara Young is the listed legal owner of the residence, as recorded by the Maricopa County Assessor's Office.

Respectfully submitted,
Jody Benson #16559
City of Tempe Code Inspector

CASE # CE092832



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: **06/04/09**

TO: **LAURA YOUNG** **FLAGSTAR BANK, FSB** **TIFFANY & BOSCO P.A.**
PO BOX 7401 **ATTENTION F/C DEPT.** **ATTENTION: MICHAEL A. BOSCO JR.**
CHANDLER, AZ 85246 **5151 CORPORATE DRIVE** **2525 E. CAMELBACK ROAD SUITE 300**
TROY, MI 48098 **PHOENIX, AZ 85016**

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

LEGAL DESCRIPTION: **LOT 226, NU-VISTA UNIT FOUR, ACCORDING TO B00K 92 OF MAPS, PAGE 19 RECORDS OF MARICOPA COUNTY, ARIZONA.**

LOCATION: **104 E. HUNTINGTON DRIVE, 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 **07/07/09**. 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:

- **Removal of all uncontrolled growth of grass and weeds in the gravel front and side yard landscape(s).**
- **Cut all over height grass and weeds in the back yard landscape.**

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 \$264.00. 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 Inspector: Jody Benson

Phone Number: (480)350-8671

E-mail: jody_benson@tempe.gov

Unofficial Document

Great American Title Agency

WHEN RECORDED MAIL TO:

TIFFANY & BOSCO, P.A.

Michael A. Bosco, Jr.

2525 East Camelback Road, Suite 300

Phoenix, Arizona 85016

501384939/501384939

Title No: 2811932

FHA/VA No.: 1703575161

NOTICE OF TRUSTEE'S SALE

File ID. #08-63584 Young

Notice is hereby given that **Michael A. Bosco, Jr., Attorney at Law**, as trustee (or successor trustee, or substituted trustee), pursuant to the Deed of Trust which had an original balance of **\$214,400.00** executed by **Laura Young, an unmarried woman, 104 East Huntington Drive, Tempe, AZ 85282**, dated **March 26, 2007** and recorded **March 28, 2007**, as Instrument No./Docket-Page **2007-0365327** of Official Records in the office of the County Recorder of **Maricopa County, State of Arizona**, will sell the real property described herein by public auction on **January 28, 2009 at 10:00 A.M. at the office of Michael A. Bosco, Jr., Third Floor Camelback Esplanade II, 2525 East Camelback Road, in the City of Phoenix, County of Maricopa, State of Arizona**, to the highest bidder for cash (in the forms which are lawful tender in the United States and acceptable to the Trustee, payable in accordance with ARS 33-811A), all right, title, and interest conveyed to and now held by it under said Deed of Trust, in the property situated in said County and State and more fully described as:

Lot 226, NU-VISTA UNIT FOUR, a subdivision, according to Book 92 of Maps, Page 19, records of Maricopa County, Arizona.

The street address/location of the real property described above is purported to be:

104 E. Huntington Drive

Tempe, AZ 85282

Tax Parcel No.: 133-46-101

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein.

(Notice of Sale continued following page)

Page 2 of Notice of Trustee's Sale
File ID: 08-63584 Young

The beneficiary under the aforementioned Deed of Trust has accelerated the Note secured thereby and has declared the entire unpaid principal balance, as well as any and all other amounts due in connection with said Note and/or Deed of Trust, immediately due and payable.

Said sale will be made in an "as is" condition, but without covenant or warranty, express or implied, regarding title, possession or encumbrances, to satisfy the indebtedness secured by said Deed of Trust, advances thereunder, with interest as provided therein, and the unpaid principal balance of the Note secured by said Deed of Trust with interest thereon as proved in said Note, plus fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust.

Current Beneficiary:

Mortgage Electronic Registration

Systems

Care of / Servicer

Flagstar Bank, FSB
Attn. F/C Dept.
5151 Corporate Dr.
Troy, MI 48098

Current Trustee:

Michael A. Bosco, Jr.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
(602) 255-6000

Unofficial Document

Dated : October 29, 2008



Michael A. Bosco, Jr., Attorney at Law
Trustee/Successor Trustee, is qualified per
ARS Section 33-803 (A)2 as a member of
The Arizona State Bar

STATE OF ARIZONA)

) ss.

County of Maricopa)

This instrument was acknowledged before me on 10/29/08, by MICHAEL A. BOSCO, JR., Attorney at Law, as Trustee/Successor Trustee.

My Commission Expires:



Paula Gruntmeir, Notary Public
Commission expiration is 10/23/2011 12:00:00 AM



NOTICE: This proceeding is an effort collect a debt on behalf of the beneficiary under the referenced Deed of Trust. Any information obtained will be used for that purpose. Unless the loan is reinstated, this Trustee's Sale proceedings will result in foreclosure of the subject property.

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.CO

PROPOSAL

THE FOLLOWING DOCUMENT IS FOR:

NAME: JODY

FIRM: CITY OF TEMPE CODE COMPLIANCE

DOCUMENT EMAIL ON:

DATE: 5/01/09 TIME: 11:35 (A.M.) P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK AT FOR THE CITY OF TEMPE
UNDER CONTRACT # T08-092-02

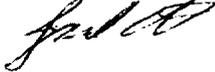
ADDRESS: 104 E. HUNINGTON DR. TEMPE, AZ.

1. REMOVE GRASS AND WEEDS IN THE GRAVEL/ FRONT AND SIDE YARDS
INCLUDING ALONG THE SIDE STREET TO THE ALLEY.
2. REMOVE DEAD TREE IN THE FRONT YARD.
3. CUT GRASS IN BACKYARD.

3 MEN FOR 4 HRS = 12 MAN HRS@ \$22./HR \$264.00

TOTAL \$ 264.00

THANK YOU



JACK HARRINGTON

ACCEPTANCE



