

Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Bank of America Property located at 2401 West Vineyard Road.

DOCUMENT NAME: 20101103cdr102 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **BANK OF AMERICA PROPERTY (PL100273/ABT10028/CE102618)** (Brandy Zedlar, Inspector; Bank of America, property owner) located at 2401 West Vineyard Road in the R1-6, Single Family Residential District.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

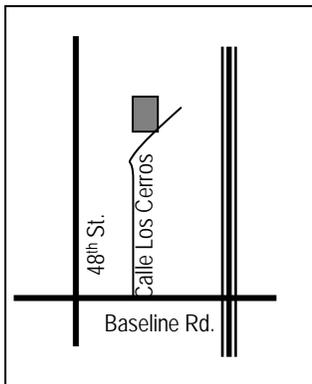
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$824.00 for abatement request, including clean yards, haul junk, cut dead trees and shrubs, and three loads to dump

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Bank of America Property located at 2401 West Vineyard Road 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 requests the approval of abatement of the following nuisance items under Complaint CE102618: "Landscape substantially dead, damaged or uncontrolled growth"

180 DAY OPEN ABATEMENT REQUEST:

The property has received complaints in the past months, now in foreclosure by the bank. Due to the history of recidivism of the property owner and no response to have the site remediated by the property owner, **staff is requesting a 180-day open abatement to prevent repeated property neglect and neighborhood decline.**

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-14. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Bank of America Property located at 2401 West Vineyard Road in the R1-6, Single Family Residential District. This case was initiated on July 19, 2010 following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Bank of America, regarding violations of the Tempe City Code for, "Landscape substantially dead, damaged or uncontrolled growth".

The Bank of America has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to trimming the over height weeds/grass in the front, side and back yard areas, and remove the dead bushes along the front of the residence.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.



BANK OF AMERICA PROPERTY (PL100273)

DATE: 8/27/10
TO: Michael Spencer, Sr. Code Inspector
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement-- Reference Complaint #CE102618

LOCATION: 2401 W. Vineyard Rd., Tempe, AZ 85282
LEGAL: Parcel #123-22-195, as recorded with the Maricopa County Assessor
OWNER: Bank of America
476 Crosspoint Parkway
Getzville, NY 14068

FINDINGS:

7/19/10 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscaping.

7/21/10 - The property was inspected and found to be vacant with deteriorated landscape, junk and debris. The property is a foreclosure that had an auction date of 9/1/09. Notice to comply was mailed and emailed to the bank.

7/22/10 – Received an email response from Bank of America stating they have scheduled an occupancy inspection for 8/13/10.

8/17/10 – The property was inspected with no change in its condition. Sent an email to Bank of America requesting an status update.

8/18/10 – Received an email from Bank of America that stated their inspection showed the property is still occupied.

8/27/10 – The property was inspected with no change in its condition. Code compliance filed for an Abatement Hearing.

RECOMMENDATIONS:

I recommend the approval for abatement at 2401 W. Vineyard Rd., which is owned by Bank of America. The owner has been given ample time and opportunities to bring the property into compliance and has failed to take corrective action. Since the property is a foreclosure, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Bank of America that they plan to correct and maintain the property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer

DATE: 8/27/10



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: August 27, 2010

TO: Bank Of America
476 Crosspoint Parkway
Getzville, NY 14068

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

LEGAL: Parcel # 123-22-195, as recorded with the Maricopa County Assessor.

LOCATION: 2401 W. Vineyard 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 October 5, 2010. 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: Those items constituting a violation of TCC 21-3-b-8 and TCC 21-3-b-1 which would include landscape clean-up in the front and back yard and removal of junk & debris.

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 \$824.00. 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: Brandy Zedlar

Phone Number 480-350-8372

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: BRANDY
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL PLUS 0 PAGE(S)

DATE: 8-19-10 TIME: _____ A.M. 2:30 P.M.

PROPOSAL

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

ADDRESS: 2401 W. VINEYARD TEMPE, AZ.

1. CLEAN YARDS, HAUL JUNK, CUT DEAD TREES & SHRUBS 4 MEN 8 HRS = 32 M.H. @ \$22.00/HR.	\$704.00
2. 3- LOADS TO DUMP @ \$40./LOAD	<u>\$120.00</u>
TOTAL COST FOR ABOVE ITEMS	\$824.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



QUICK LINKS ...

Home Contacts *Parcel Search:

[Advanced Search Options](#)

[*Market Overview](#) *Residential Similar Property Search

No Parcel Number? Use Advanced Search Options.

*(A parcel number is needed to use these Features)

[New Search](#)

[Printer Friendly Version](#)

Property Information

[View GIS Maps](#)

Parcel #: 123-22-195
MCR #: 16343
Property Address: 2401 W VINEYARD RD
 TEMPE 85282
Property Description: KNOELL GARDENS AMD
Section Township Range: 32 1N 4E
Associated Parcel:

Subdivision Name: KNOELL GARDENS AMD
Lot #: 189
School Dist: TEMPE SCHOOL DISTRICT
Local Jurisdiction: TEMPE
[Tax District FAQs](#)

Owner Information

[View Tax Information](#)

Owner: JIMENEZ ALMA DELIA
In Care Of:
Mailing Address: 2401 W VINEYARD RD
 TEMPE AZ 85282 USA
Deed #: 070896963
Deed Date: 8/8/2007

Sales Price: \$222,000
Sales Month/Year: 7/2007

Valuation Information

[View Similar Parcels](#)

Tax Year:	2011	2010	2009
Full Cash Value (FCV):	\$104,000	\$128,300	\$145,500
Limited Property Value (LPV):	\$104,000	\$128,300	\$134,475
Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$10,400	\$12,830	\$14,550
Assessed LPV:	\$10,400	\$12,830	\$13,448
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031600

Additional Component Information (for this parcel)

[Valuation](#) [Characteristics](#) [Commercial Property Overview](#)

New Search Helpful Information:

[Recorder](#) [Glossary](#) [Forms](#)

Disclaimer

The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The Maricopa County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

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Maricopa County Assessor || 301 W. Jefferson St. || Phoenix, AZ 85003
 602-506-3406

CE 10 wels

OFFICIAL RECORDS OF

Unofficial Document

This information was recorded at request of:

CAL-WESTERN RECONVEYANCE CORPORATION
525 EAST MAIN STREET
P.O. BOX 22004
EL CAJON CA 92022-9004

The recording official is directed to return

This information or a copy to above person



Space Reserved For Recording Information

NOTICE OF TRUSTEE'S SALE UNDER DEED OF TRUST

Trust No. 1217507-03
Loan No. XXXXXX1324

Ref. ALMA DELIA JIMENEZ
UNINS

Date: May 28, 2009

County where Real Property is Located MARICOPA, Arizona

ORIGINAL TRUSTOR
ALMA DELIA JIMENEZ
6037 S 12TH STREET
PHOENIX, AZ 85042

CURRENT TRUSTEE
CAL-WESTERN RECONVEYANCE CORPORATION
525 EAST MAIN STREET
P.O. BOX 22004
EL CAJON CA 92022-9004

1(800)546-1531

CURRENT BENEFICIARY
BANK OF AMERICA, NA

C/O BANK OF AMERICA (BUFFALO)
476 CROSSPOINT PARKWAY
GETZVILLE NY 14068

ORIGINAL PRINCIPAL BALANCE AS SHOWN ON DEED OF TRUST: \$177,600.00

DEED OF TRUST RECORDING INFORMATION RECORDING NUMBER: 20070896965

DOCKET: XX

PAGE: XX

DATE: August 08, 2007

COUNTY ASSESSOR'S TAX PARCEL NUMBER: 123-22-195

T.S. No: 1217507-03

SUBJECT REAL PROPERTY (ADDRESS OR LOCATION)

2401 WEST VINEYARD ROAD
TEMPE AZ 85282

SUBJECT REAL PROPERTY (LEGAL DESCRIPTION)

LOT 189, KNOELL GARDENS AMENDED, ACCORDING TO BOOK 163 OF MAPS, PAGE 43, RECORDS OF MARICOPA COUNTY, ARIZONA.

NOTICE IS HEREBY given pursuant to ARS SEC. 33-808 that the Subject Real Property will be sold pursuant to the power of sale under the above described Deed of Trust, at public auction to the highest bidder at the below date, time and place. In accordance with ARS SEC. 33-808(B), time of sale is between 9 a.m. and 5 p.m. at a specific place on the Subject Real Property, at the courthouse or at a specific place at the principal place of business of Trustee.

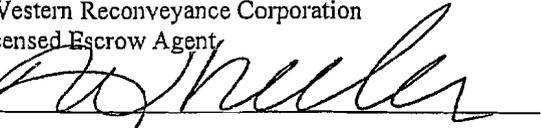
DATE: September 01, 2009
PLACE: AT THE STEPS AT THE MAIN ENTRANCE
TO THE SUPERIOR
COURT BUILDING, 201 WEST JEFFERSON
PHOENIX, ARIZONA

TIME: 2:00pm

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Cal-Western Reconveyance Corporation
A Licensed Escrow Agent

By



Yvonne J. Wheeler, A.V.P.

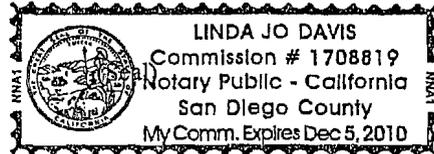
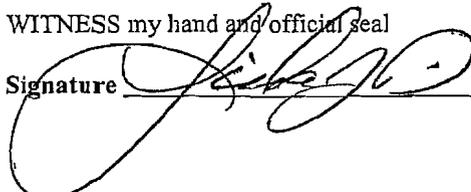
Linda Jo Davis

On 5/28/2009 before me, _____,

a Notary Public in and for said State, personally appeared Unofficial Document Yvonne J. Wheeler, A.V.P. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature



THE SUCCESSOR TRUSTEE HEREIN QUALIFIES AS TRUSTEE OF THE TRUST DEED IN THE TRUSTEE'S CAPACITY AS A LICENSED ESCROW AGENT AS REQUIRED BY A.R.S. SECTION 33-803, SUBSECTION A(1)

THE TRUSTEE'S REGULATOR IS THE ARIZONA STATE BANKING DEPARTMENT



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE**

07-21-2010

BANK OF AMERICA
476 CROSSPOINT PARKWAY
GETZVILLE, NY 14068

Case#: CE102618
Site Address: 2401 W VINEYARD RD

SITE REINSPECTION ON OR AFTER: 08/09/2010

This is a notice to inform you that this site was inspected on 7/20/10 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please trim the over height weeds/grass in the front, side and back yard areas. Please remove the dead bushes along the front of the residence.
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Brandy Zedlar
Code Inspector II

Direct: 480-350-8623
Code Compliance: (480)350-8372
Email: brandy_zedlar@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 per violation | 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.









