

# Staff Summary Report



Hearing Officer Hearing Date: January 20, 2009

Agenda Item Number: 9

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **GUTIERREZ RESIDENCE (PL080470/ABT08045)** located at 1222 West Manhattan Drive.

**DOCUMENT NAME:** 20090120dsng04

**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 **GUTIERREZ RESIDENCE (PL080470/ABT08045)** (Jesus Gutierrez, property owner) Complaint CE088299 located at 1222 West Manhattan Drive in the R1-6, Single Family Residential District.

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

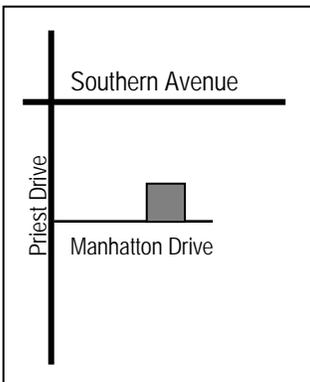
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **GUTIERREZ RESIDENCE (PL080470/ABT08045)** (Jesus Gutierrez, property owner) Complaint CE088299 located at 1222 West Manhattan Drive in the R1-6, Single Family Residential District. This residence is located southeast of the intersection of Southern Avenue and Priest Drive along Manhattan Drive. 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
- 3-15. Neighborhood Enhancement Report
- 16-17. Neighborhood Enhancement Photos

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **GUTIERREZ RESIDENCE (PL080470/ABT08045)** (Jesus Gutierrez, property owner) Complaint CE088299 located at 1222 West Manhattan Drive in the R1-6, Single Family Residential District. This residence is located southeast of the intersection of Southern Avenue and Priest Drive along Manhattan Drive. 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.

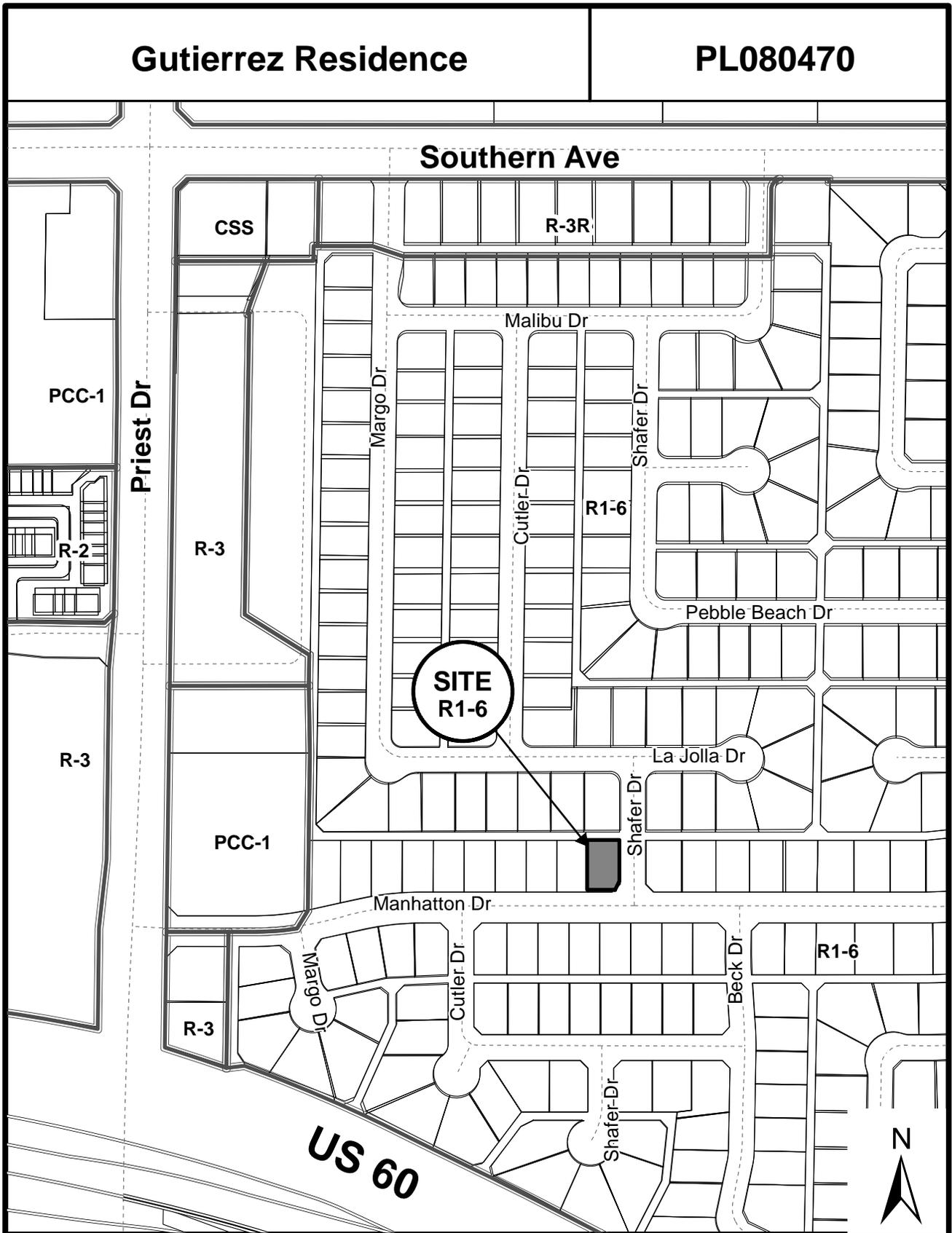
Staff recommends authorizing abatement of this property.

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

**DESCRIPTION:** Owner – Jesus Gutierrez  
Applicant – Jody Benson, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 6,199 s.f. / .14 acres  
Building area – 1,260 s.f.  
Year of structure – 1971

**Gutierrez Residence**

**PL080470**



**Location Map**



Shafer Dr

Manhattan Dr

**GUTIERREZ RESIDENCE (PL080470)**

**DATE:** December 23, 2008  
**TO:** Mike Spencer, Neighborhood Enhancement Senior Code Inspector  
**FROM:** Jody Benson, Code Inspector  
**SUBJECT:** Request for Authorization to Abate Complaint CE088299

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**COMPLAINT:** ~~CE086895~~ *CE088299*

**LOCATION:** 1222 W. Manhattan Drive, Tempe, AZ 85282

**LEGAL:** Lot 66, ROOSEN HEIGHTS, Book 135 of Maps Page 14, as recorded with the Maricopa County Assessor.

**OWNER:** Jesus or Christine Gutierrez  
1222 W. Manhattan Drive  
Tempe, AZ 85282

**FINDINGS:**

- 12/15/08 Proactive complaint opened for an unregistered white Pontiac Catalina with Arizona tag# 349JMZ (expired 12/31/03) parked in the driveway. I will seek abatement and criminal charges for the violations due to repeated history of the same violations.
- 12/18/08 Received abatement estimate for \$135.00 from Jack Harrington Inc. authorized abatement contractor for the City of Tempe.
- 12/18/08 Sent Notice of intent to abate for the 01/20/09 hearing.
- 12/23/08 Submitted request to abate the violations to Tempe Development Services. Submitted criminal filing to the Tempe City Prosecutors office.

**COMPLAINT HISTORY**

The following history reflects all valid complaints on this property since Jesus Gutierrez established ownership of 1222 W. Manhattan Drive in November of 2002.

- CE044380 **12/01/04 through 12/16/04** Complaint for an unregistered maroon Mitsubishi Eclipse with Arizona tag# 142FPX (expired), lawn parking of the same vehicle, and for a basketball goal impeding the sidewalk. In compliance in two weeks. Kirk Erickson was the inspector.
- CE071475 **03/27/07 through 05/03/07** Complaint for an unregistered maroon Mitsubishi Eclipse with Arizona tag# 142FPX (expired) and lawn parking

of the same vehicle as well as a white Pontiac Catalina with a temporary tag (also expired) parked in the driveway. In compliance in just over one (1) month which included a three (3) week extension granted to the property owner. Kirk Erickson was the inspector.

CE077151 **11/30/07 through 03/03/08** Proactive complaint for an unregistered maroon Mitsubishi Eclipse with Arizona tag# 142FPX (expired 2004) and a white Pontiac Catalina with Arizona tag# 349JMZ (expired 2003) parked in the driveway. Civil citation # 1239217 was issued to Jesus J. Gutierrez for Inoperable/Unregistered Vehicle. He failed to appear on the citation. In compliance in three (3) months. Jody Benson was the inspector.

**RECOMMENDATIONS:**

There have been three (3) prior complaints for 1222 W. Manhattan Drive dating back to 2004 for unregistered vehicles on private property. In February of 2008 a citation was issued after four (4) Notice(s) to Comply were sent to the property owner. Jesus J. Gutierrez failed to appear in court for that citation.

The home continues to be in violation of Tempe City Code 21-3(b)(3) for unregistered vehicle on private property.

Without the intervention of abatement the Jesus J. Gutierrez will continue to allow the property to be in violation of the keeping of unregistered vehicles on private property. 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.

Jesus J. Gutierrez and Christine Gutierrez are the listed legal owner(s) of the residence, as recorded by the Maricopa County Assessor's Office.

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

ACTION TAKEN: submit for abatement  
NAME:   
DATE: 12-23-08

Recording Requested By:  
Land Title Agency of Arizona, Inc.

AFTER RECORDING MAIL TO:  
JESUS J. GUTIERREZ  
CHRISTINE GUTIERREZ  
1222 W. MANHATTAN DR  
TEMPE, AZ. 85282

LAND TITLE AGENCY  
ESCROW No. 40004992 - 018 - TJ

113

Unofficial  
Document

M:  
20

This area reserved for County Recorder

Affidavit Exempt  
Pursuant to  
ARS 11-1134

3

### Warranty Deed

### Community Property with Right of Survivorship

For the consideration of Ten Dollars, and other valuable considerations,

JESUS JUNIOR GUTIERREZ, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY

do/does hereby convey to

JESUS J. GUTIERREZ AND CHRISTINE GUTIERREZ, HUSBAND AND WIFE

the following real property situated in the county of MARICOPA, State of ARIZONA:

LOT 66, ROOSEN HEIGHTS, ACCORDING TO BOOK 135 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters above set forth.

The Grantees by signing the acceptance below evidence their intention to acquire said premises not as tenants in common, not as joint tenants with right of survivorship but as community property with right of survivorship.

Date: November 12, 2002

Grantees

Grantors

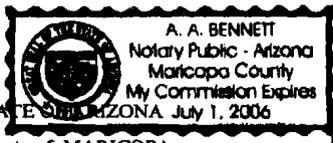
JESUS J. GUTIERREZ

JESUS JUNIOR GUTIERREZ

CHRISTINE GUTIERREZ

STATE OF ARIZONA  
County of MARICOPA

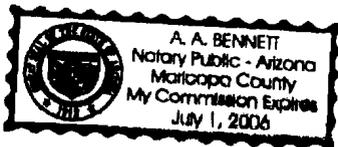
} SS This instrument was acknowledged before me this November 21, 2002  
by



AAB  
Notary Public  
My commission will expire 7/1/2006

STATE OF ARIZONA  
County of MARICOPA

} SS This instrument was acknowledged before me this November 21, 2002  
by JESUS J. GUTIERREZ AKA JESUS JUNIOR GUTIERREZ AS  
GRANTOR AND GRANTEE AND CHRISTINE GUTIERREZ



AAB  
Notary Public  
My commission will expire 7/1/2006

CASE #CE044380



City of Tempe Code Enforcement Division  
Courtesy Notice  
**We need your help to keep our City clean**  
Date: Mailed: 12/01/04

Jesus & Christine Gutierrez  
1222 W. Manhattan Dr,  
Tempe, AZ 85282

This is a courtesy notice to inform you that on **12/01/04, 1222 W. MANHATTON DR, TEMPE** 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. If the property is brought into compliance with the code by 12/01/04, you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

**Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3 (b) (3)**

***Inoperable or unregistered vehicles.*** 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.

**Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3 (b) (4)**

***Lawn parking.*** To leave or permit to remain outside of any single-family or multi-family dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall extend to the street with a permanent border and the total area including driveways shall not exceed fifty percent (50%) of the front and side area.

**Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3 (b) (7)**

***Obstruction to right of way.*** Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free passage, use or vision in the customary manner of any sidewalk, street or highway.

***Improved area*** means an area having a surface of asphalt, concrete, crushed rock, gravel, masonry or wood, maintained free of all vegetation and contained within a permanent curb or border, constructed of asphalt, concrete, masonry, metal, wood or other approved permanent material secured to or embedded in the ground, delineating the improved area from the remainder of the yard area.

**Please take the following corrective action by 12/15/04**

- 1. PLEASE REMOVE OR REGISTER THE MAROON MITSUBISHI, EXPIRED AZ LICENSE 142FPX, PARKED ON THE EASTSIDE OF THE PROPERTY.**
- 2. PLEASE DISCONTINUE PARKING IN THE UNIMPROVED AREAS OF THE PROPERTY. THE ABOVE MENTIONED VEHICLE IS PARKED IN AN UNIMPROVED AREA. SEE THE ABOVE DEFINITION OF WHAT IS CONSIDERED AN IMPROVED AREA.**
- 3. PLEASE REMOVE THE PORTABLE BASKETBALL POST/HOOP THAT IS OBSTRUCTING THE SIDEWALK ON THE EASTSIDE OF THE PROPERTY.**

I 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.

Code Inspector  
CE21-1 Rev 06/00

Kirk Erickson

Phone Number 480-350-8671

email [kirk\\_erickson@tempe.gov](mailto:kirk_erickson@tempe.gov)

CASE #CE071475



**City of Tempe Code Enforcement Division  
Courtesy Notice**

**We need your help to keep our City clean**

Date: Mailed: 03/29/07

**Jesus Guitierrez  
1222 W. Manhattan Dr,  
Tempe, AZ 85282**

This is a courtesy notice to inform you that on 03/28/07, 1222 W. MANAHTTON DR, TEMPE 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. If the property is brought into compliance with the code by 04/11/07, you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance.

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

***Inoperable and unregistered vehicles.*** 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.

**Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3 (b) (4)**

***Lawn parking.*** To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall:

- a. Be contiguous to, and share an access point with, the required driveway;
- b. Be no greater than Thirty-Five Percent (35%) of the front and side areas visible from the street;
- c. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and
- d. Be maintained free of all vegetation, including, but not limited to grasses, trees, and bushes.

**Please take the following corrective action by 04/11/07**

- 1. Please remove or properly register the white colored Pontiac from the driveway. The temporary registration is expired.**
- 2. Please remove and properly register the Mitsubishi Eclipse, AZ license 142FPX, from the dirt side yard. The vehicle is not properly registered and the area does not meet the above criteria for the parking of vehicles.**

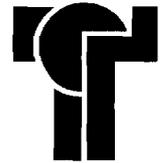
I appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Code Inspector Kirk Erickson

Phone Number 480-350-8671

email kirk\_erickson@tempe.gov

CASE # CE077151



**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement**

**Notice Delivered to:**

**JESUS GUITEREZ  
1222 W. MANHATTAN DRIVE  
TEMPE, AZ 85282**

**Mailed on: 11/30/07**

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This notice to comply is to inform you that on **11/30/07**, the property located at **1222 W. MANHATTAN DRIVE, TEMPE** 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 **12/17/07** 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-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;

**Please take the following corrective action to avoid a citation for each violation.**

**Required Correction(s):**

- 1. PLEASE REGISTER OR REMOVE THE WHITE PONTIAC WITH ARIZONA TAG# 349JMZ (EXPIRED 2003) THAT IS PARKED IN THE DRIVEWAY.**
- 2. PLEASE REGISTER OR REMOVE THE MAROON MITSUBISHI ECLIPSE WITH ARIZONA TAG# 142FPX (EXPIRED 2004) THAT IS PARKED IN THE DRIVEWAY.**

***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 \$100 dollars per violation, 2<sup>nd</sup> occurrence \$200 dollars per violation, 3<sup>rd</sup> occurrence \$300 dollars per violation.

**Page 2 of 2**

Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$300 dollars per violation, 2<sup>nd</sup> occurrence \$600 dollars per violation, 3<sup>rd</sup> occurrence \$900 dollars 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 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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**



CASE # CE077151

City of Tempe Code Compliance Division
Notice to Comply: Chapter 21, Nuisances and Property Enhancement

Notice Delivered to:

JESUS GUITEREZ
1222 W. MANHATTON DRIVE
TEMPE, AZ 85282

This notice to comply is to inform you that on 12/18/07, the property located at 1222 W. MANHATTON DRIVE, TEMPE 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 01/07/08 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-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;

Please take the following corrective action to avoid a citation for each violation.

Required Correction(s):

- 1. PLEASE REGISTER OR REMOVE THE WHITE PONTIAC WITH ARIZONA TAG# 349JMZ (EXPIRED 2003) THAT IS PARKED IN THE DRIVEWAY.
2. PLEASE REGISTER OR REMOVE THE MAROON MITSUBISHI ECLIPSE WITH ARIZONA TAG# 142FPX (EXPIRED 2004) THAT IS PARKED IN THE DRIVEWAY.

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 \$100 dollars per violation, 2nd occurrence \$200 dollars per violation, 3rd occurrence \$300 dollars per violation.
Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$300 dollars per violation, 2nd occurrence \$600 dollars per violation, 3rd occurrence \$900 dollars per violation.

Page 2 of 2

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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**

CASE # CE077151



**City of Tempe Code Compliance Division  
Notice to Comply: Chapter 21, Nuisances and Property Enhancement  
FINAL NOTICE**

**Notice Delivered to:**

**JESUS GUITEREZ  
1222 W. MANHATTON DRIVE  
TEMPE, AZ 85282**

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This notice to comply is to inform you that on **01/22/08**, the property located at **1222 W. MANHATTON DRIVE, TEMPE** 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 **02//07/08** 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-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;

**THIS IS YOUR FINAL NOTICE.**

**Please take the following corrective action to avoid a citation for each violation.**

**Required Correction(s):**

- 1. PLEASE REGISTER OR REMOVE THE WHITE PONTIAC WITH ARIZONA TAG# 349JMZ (EXPIRED 2003) THAT IS ON THE TRAILER IN THE DRIVEWAY.**

***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 \$100 dollars per violation, 2<sup>nd</sup> occurrence \$200 dollars per violation, 3<sup>rd</sup> occurrence \$300 dollars per violation.  
Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$300 dollars per violation, 2<sup>nd</sup> occurrence \$600 dollars per violation, 3<sup>rd</sup> occurrence \$900 dollars per violation.

**Page 2 of 2**

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: JODY BENSON**

**Phone Number: (480)350-8671**

**E-mail: JODY\_BENSON@TEMPE.GOV**

CASE # CE088299



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12/18/08

TO: **Jesus or Christine Gutierrez**  
**1222 W. Manhattan Drive**  
**Tempe, AZ 85282**

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

**LEGAL: Lot 66, ROOSEN HEIGHTS, Book 135 of Maps, Page 14, as Recorded with the Maricopa County Assessor.**

**LOCATION: 1222 W. Manhattan 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 **01/20/09**. 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:

- 1. Removal of the white Pontiac Catalina with expired Arizona tag# 349JMZ and/or any other inoperable or unregistered vehicle parked in the driveway.**

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 **\$135.00**. 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

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

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: JODY

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS \_\_\_ PAGE(S)

DATE: 12/18/08 TIME: 1:15 A.M. P.M.

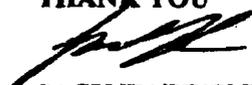
PROPOSAL

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

ADDRESS: 1222 W. MANHATTON DR.

1. REMOVE VEHICLE FROM ADDRESS	\$135.00
TOTAL	\$135.00

THANK YOU

  
JACK HARRINGTON

ACCEPTANCE

\_\_\_\_\_



