

Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 11

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the J. P. Morgan Chase Bank Property located at 6103 South College Avenue.

DOCUMENT NAME: 20101103cdr104 **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 **J. P. MORGAN CHASE BANK PROPERTY (PL100283/ABT10029/CE102235)** (Brandy Zedlar, Inspector; J. P. Morgan Chase Bank, property owner) located at 6103 South College Avenue 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*

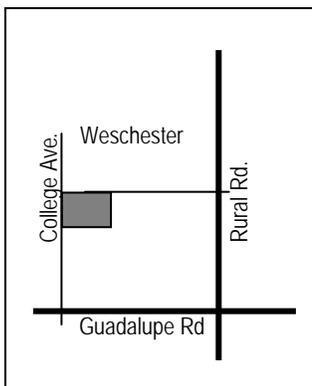
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$528.00 for abatement request, including the removal weeds, dead tree, and debris from yard

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the J. P. Morgan Chase Bank Property located at 6103 South College Avenue 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 CE102235: "Landscape substantially dead, damaged or uncontrolled growth"

180 DAY OPEN ABATEMENT REQUEST:

This is a foreclosed property which has had numerous complaints in the past years. Due to the history of recidivism of the property owner and months of attempts 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
- 3-12. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the J. P. Morgan Chase Bank Property located at 6103 South College Avenue in the R1-6, Single Family Residential District. This case was initiated on June 21, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, J. P. Morgan Chase Bank, regarding violations of the Tempe City Code for landscape substantially dead, damaged or uncontrolled growth.

The J. P. Morgan Chase Bank has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to trimming over height weeds/grass in the front and street side yard and remove debris and grass growing in gravel in the side yard.

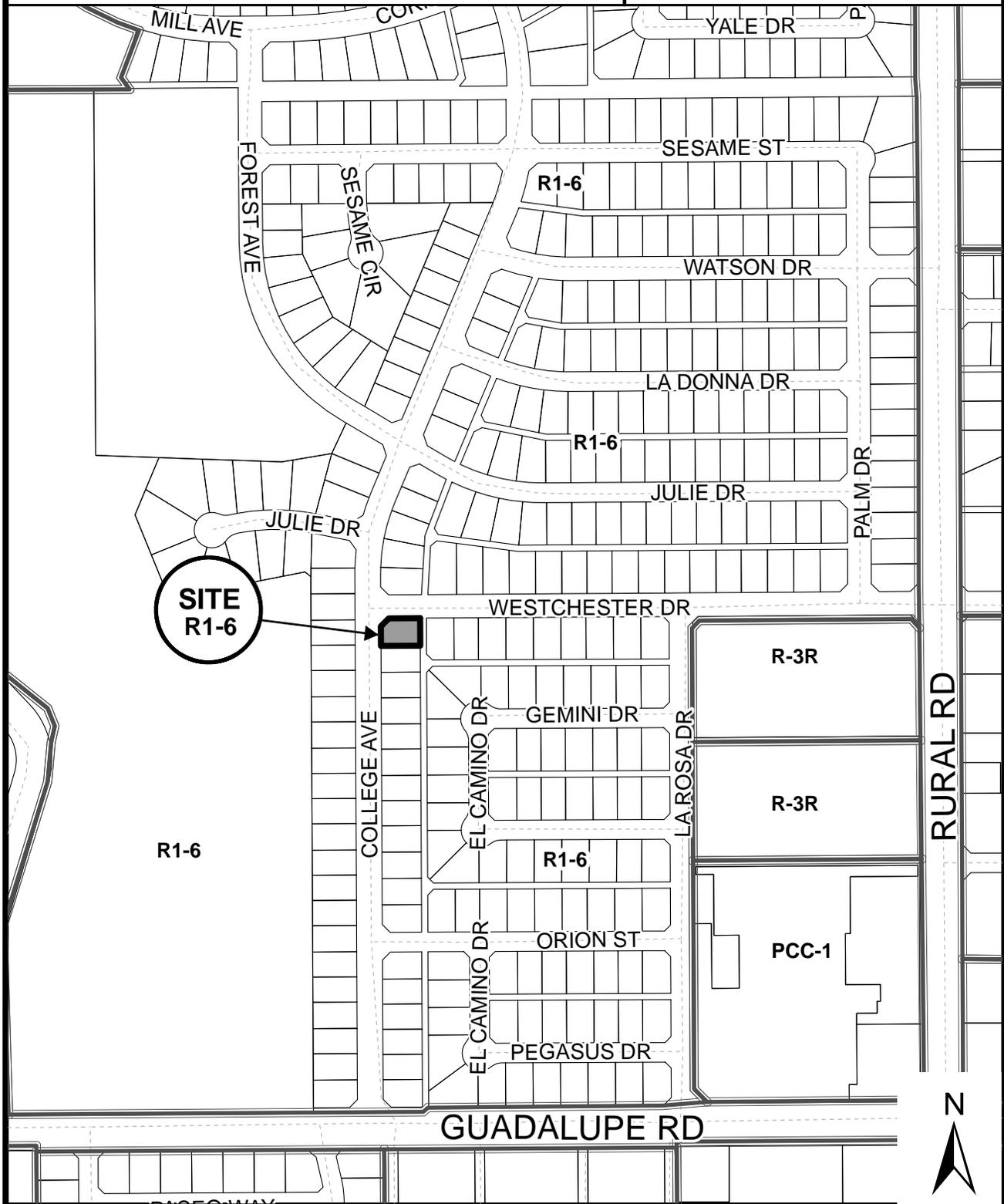
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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

**J. P. MORGAN
CHASE BANK PROPERTY**

PL100283



Location Map



J. P. MORGAN CHASE BANK PROPERTY (PL100283)

DATE: 9/01/10
TO: Michael Spencer, Sr. Code Inspector
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE102235

LOCATION: 6103 S College Ave., Tempe, AZ 85283
LEGAL: Parcel #301-81-329, as recorded with the Maricopa County Assessor
OWNER: JP Morgan Chase Bank
Care of: Litton Loan Servicing LP
4828 Loop Central Drive
Houston, TX 77081

FINDINGS:

6/21/10 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated roof and landscaping.

6/23/10 - The property was inspected and found missing roof shingles and deteriorated landscape. Notice to comply was mailed.

7/07/10 – Notice to comply was returned.

7/29/10 – The property was inspected with no change in its condition. The property is vacant and was foreclosed on 6/1/10. The property is now owned by JP Morgan Chase.

8/30/10 – The property was inspected with no change to its condition. Code compliance filed for an Abatement Hearing.

PROPERTY HISTORY:

- 6 complaints for deteriorated landscape were received between 2003 and 2009.

RECOMMENDATIONS:

I recommend the approval for abatement at 6103 S. College Ave., which is owned by JP Morgan Chase. The bank has been given ample time and opportunities to bring the property into compliance and has failed to take corrective action. Since this is a foreclosed property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from JP Morgan Chase that they plan to correct and maintain the property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer

DATE: 9/01/10



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Property Information

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Parcel #: 301-81-329
MCR #: 15625
Property Address: 6103 S COLLEGE AVE
 TEMPE 85283
Property Description: UNIVERSITY ROYAL UNIT TWO
Section Township Range: 3 1S 4E
Associated Parcel:

Subdivision Name: UNIVERSITY ROYAL 2
Lot #: 671
School Dist: TEMPE SCHOOL DISTRICT
Local Jurisdiction: TEMPE
[Tax District FAQs](#)

Owner Information

[View Tax Information](#)

Owner: CIRELLI ROSE MARIE
In Care Of:
Mailing Address: 6103 S COLLEGE AVE
 TEMPE AZ 85253 USA
Deed #: 020471837
Deed Date: 5/7/2002

Sales Price: \$134,875
Sales Month/Year: 4/2002

Valuation Information

[View Similar Parcels](#)

Tax Year:	2011	2010	2009
Full Cash Value (FCV):	\$127,800	\$148,500	\$165,200
Limited Property Value (LPV):	\$127,800	\$148,500	\$145,853
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:	\$12,780	\$14,850	\$16,520
Assessed LPV:	\$12,780	\$14,850	\$14,585
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031608

Additional Component Information (for this parcel)

[Valuation](#)

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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

OFFICIAL RECORDS OF
**Unofficial
Document**

WHEN RECORDED MAIL TO:

TIFFANY & BOSCO, P.A.
Michael A. Bosco, Jr.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016

16695579/Conv
Title No: 100125564-AZ-GTI
FHA/VA No.:

NOTICE OF TRUSTEE'S SALE
File ID. #10-04723 Cirelli

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 **\$165,000.00** executed by **ROSE MARIE CIRELLI, A SINGLE WOMAN, 6103 South College Avenue, Tempe, AZ 85283**, dated **November 16, 2005** and recorded on **11/22/05** as Recording No./Book-Page **2005-1773821** 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 **June 1, 2010 at 10:00 A.M. at the office of Michael A. Bosco, Jr., 7720 North 16th Street, Suite 300, 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 671, UNIVERSITY ROYAL, UNIT TWO, ACCORDING TO BOOK 156 OF MAPS, PAGE 25, RECORDS OF MARICOPA COUNTY, ARIZONA.

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

**6103 South College
Tempe, AZ 85283
Tax Parcel No.: 301-81-329**

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)



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

07-29-2010

JP MORGAN CHASE
ATTN: MATTHEW CAULFIELD

Case#: CE102235
Site Address: 6103 S COLLEGE AVE

SITE REINSPECTION ON OR AFTER: 08/20/2010

This is a notice to inform you that this site was inspected on 7/28/10 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 and street side yard and remove the weeds/grass growing within the gravel landscape in the side yard.
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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.



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 7, 2010

TO: JP Morgan Chase Bank
c/o Litton Loan Servicing LP
4828 Loop Central Drive
Houston, TX 77081

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

LEGAL: Parcel # 301-81-329, as recorded with the Maricopa County Assessor.

LOCATION: 6103 S. College Ave., Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of Oct 19, 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, TCC 21-3-b-1 and TCC 21-3-b-9 which would include the following: landscape clean-up in the front, side and back yard areas, remove all junk & debris and to secure the residence.

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 \$528.00. 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: 9-01-10 TIME: 3:30_P.M.

PROPOSAL

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

ADDRESS: 6103 S. COLLEGE AVE. TEMPE, AZ. REVISED

1. REMOVE WEEDS FROM FRONT YARD & BACK YARD 10M/H @ 22,00/	\$220.00
2. REMOVAL OF DEAD TREE	\$128.00
3. REMOVAL OF DEBRIS FROM YARDS	<u>\$180.00</u>
TOTAL COST FOR ABOVE ITEMS	\$528.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON







