

# Staff Summary Report



Hearing Officer Hearing Date: April 21, 2009

Agenda Item Number: 4

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **WELLS FARGO PROPERTY (PL090074/ABT09005)** located at 2608 West Fremont Drive.

**DOCUMENT NAME:** 20090421dssd01

**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 **WELLS FARGO PROPERTY ABATEMENT (PL090074/ABT09005)** (Wells Fargo Home Improvement, property owner) Complaint 087149 located at 2608 West Fremont Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

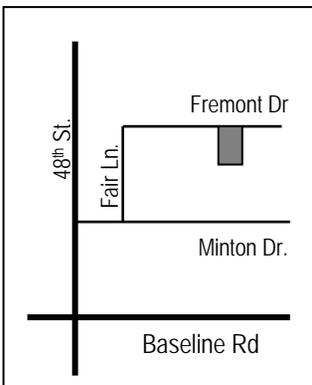
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**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 **WELLS FARGO PROPERTY ABATEMENT (PL090074/ABT09005)** (Wells Fargo Home Improvement, property owner) Complaint 087149 located at 2608 West Fremont Drive 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 recommends authorizing abatement of this property.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-10. Neighborhood Enhancement Report
- 11-13. Neighborhood Enhancement Photos

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **WELLS FARGO PROPERTY ABATEMENT (PL090074/ABT09005)** (Wells Fargo Home Improvement, property owner) Complaint 087149 located at 2608 West Fremont Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brandy Zedlar, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

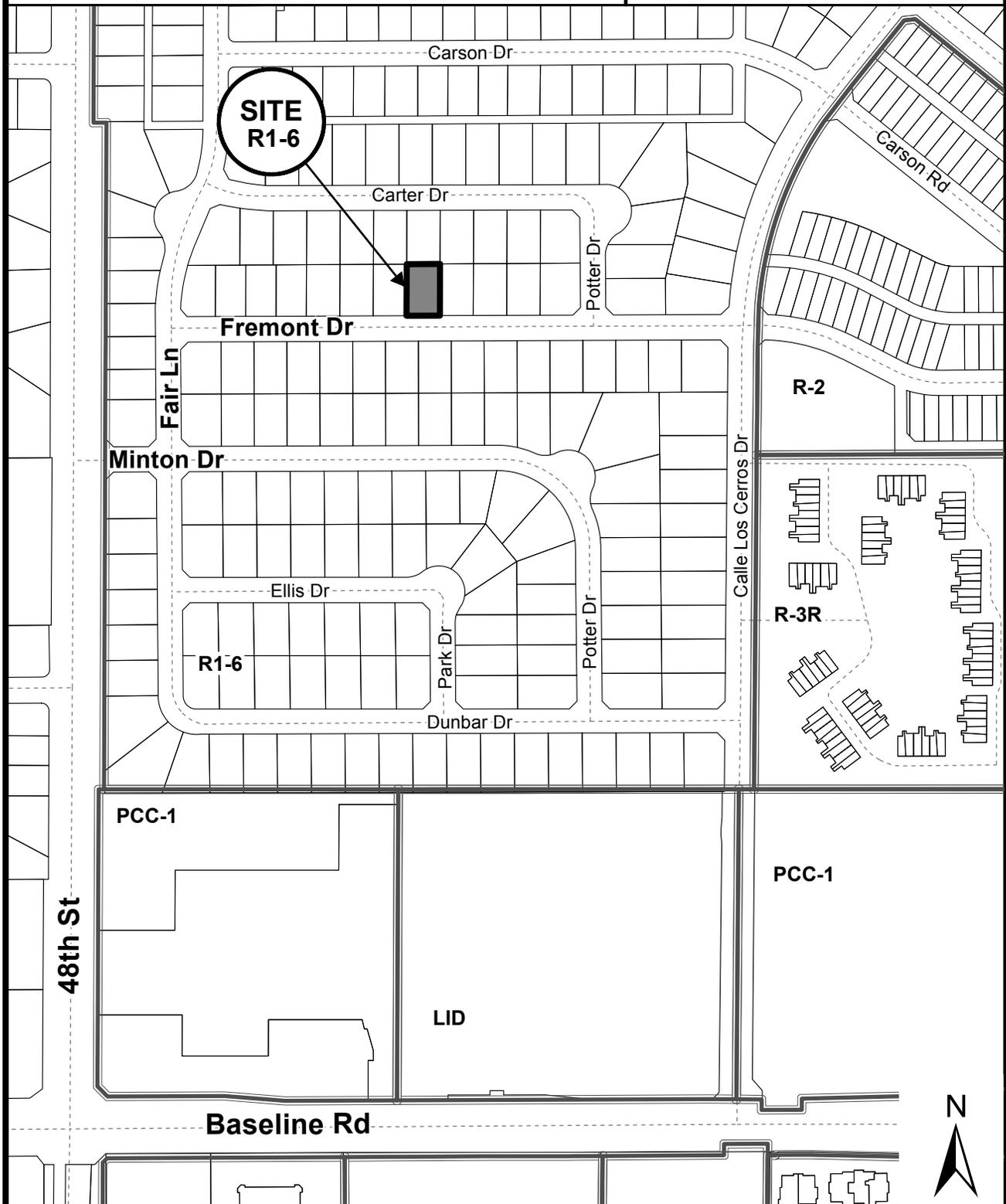
Staff recommends authorizing abatement of this property.

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

**DESCRIPTION:** Owner – Wells Fargo Home Improvement  
Applicant – Brandy Zedlar, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 6,931 s.f. / .16 acres  
Building area – 1,648 s.f.  
Year of structure – 1975

**WELLS FARGO PROPERTY**

**PL090074**



**Location Map**



**WELLS FARGO PROPERTY ABATEMENT (PL090074)**

**DATE:** 2/19/09  
**TO:** Michael Spencer, Senior Code Inspector  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE087149

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**LOCATION:** 2608 W. Fremont Dr., Tempe, AZ 85282  
**LEGAL:** Parcel #123-22-049, as recorded with the Maricopa County Assessor  
**OWNER:** Wells Fargo Home Improvement  
3476 Stateview Boulevard  
Fort Mill, SC 29715

**FINDINGS:**

10/07/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape.

10/10/08 – The property was inspected and found to have deteriorated landscape in the front yard. Notice to comply was sent to the property owner, Jesus Navarro.

10/29/08 – The property was inspected with no change in the condition of the landscape. The Maricopa County Recorders Office now indicates that the property is in foreclosure process. The property is scheduled for auction on 12/16/2008.

12/22/08 - The property was inspected with no change in the condition of the landscape in the front yard. Additional violation was noted consisting of a large amount of trash and debris in the back yard.

12/23/08 – Received the estimate to clean up both the front and back yard in the amount of \$352.00.

1/7/09 – The property was inspected with no change in the condition of the property. Notice to comply was sent to Wells Fargo Bank.

2/12/09 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 2608 W. Fremont Dr., which is owned by Wells Fargo Bank. Wells Fargo Bank has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action.

Respectfully submitted,  
Brandy Zedlar

**ACTION TAKEN:** Referred to Hearing Officer

**NAME:** Jan Koehn

**DATE:** 2/19/09

JACK HARRINGTON  
6828 N. 25<sup>TH</sup> 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: BRANDY

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 12-23-08

TIME: \_\_\_\_\_ A.M. 3:45 P.M.

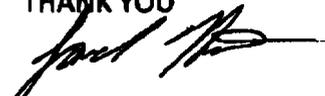
**PROPOSAL**

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

ADDRESS: 2608 W. FREMONT

1. CLEAN FRONT AND BACK YARDS.	
16 MAN HRS @ \$22./HR	\$352.00

TOTAL	\$352.00
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THANK YOU  
  
JACK HARRINGTON

ACCEPTANCE  
\_\_\_\_\_



Keith E. Russell  
MAA



Maricopa  
County  
Assessor

QUICK LINKS ...

Home    Contacts    \*Parcel Search:

Advanced Search Options                      \*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		<a href="#">View GIS Maps</a>
<b>Parcel #:</b> 123-22-049	<b>Subdivision Name:</b> KNOELL GARDENS AMD	
<b>MCR #:</b> 16343	<b>Lot #:</b> 43	
<b>Property Address:</b> 2608 W FREMONT DR TEMPE 85282		
<b>Property Description:</b> KNOELL GARDENS AMD		
<b>Section Township Range:</b> 32 1N 4E	<b>Associated Parcel:</b>	

Owner Information		<a href="#">View Tax Information</a>
<b>Owner:</b> NAVARRO JESUS		
<b>In Care Of:</b>		
<b>Mailing Address:</b> 2608 W FREMONT DR TEMPE AZ 85282 USA		
<b>Deed #:</b> 031392220	<b>Sales Price:</b> \$137,000	
<b>Deed Date:</b> 10/3/2003	<b>Sales Month/Year:</b> 10/2003	

Valuation Information				<a href="#">View Similar Parcels</a>
Tax Year:	2009	2008	2007	
<b>Full Cash Value (FCV):</b>	\$165,600	\$186,000	\$169,500	
<b>Limited Property Value (LPV):</b>	\$146,535	\$133,214	\$115,619	
<b>Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.</b>				
<b>Legal Class:</b>	3	3	3	
<b>Assessment Ratio:</b>	10.0%	10.0%	10.0%	
<b>Assessed FCV:</b>	\$16,560	\$18,600	\$16,950	
<b>Assessed LPV:</b>	\$14,654	\$13,321	\$11,562	
<b>Property Use Code:</b>	0131	0131	0131	
<b>Tax Area Code:</b>	031600	031600	031600	

**Additional Component Information (for this parcel)**

[Valuation](#)    [Characteristics](#)

[New Search](#)

Helpful Information:

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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

CASE #CE087149



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

Mailed on Date: 10/13/08

Jesus Navarro  
2608 W. Fremont Dr.  
Tempe, AZ 85282

**NOTICE TO COMPLY**

This notice to comply is to inform you that on **10/10/08**, the property located at **2608 W. Fremont Dr.** 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 **10/29/08** 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).

**Sec. 21-3. Enumerated violations.**

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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: 10/29/08**

**Required Correction(s):**

- 1. Please trim the over height grass in the front and back yard.**
- 2. Please remove the weeds/grass growing within the gravel landscape in the west side yard.**

***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: 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: Brandy Zedlar**

**Phone Number: 480-350-8623  
E-mail: brandy\_zedlar@tempe.gov**



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

Mailed on Date: 1/07/09

**Wells Fargo Home Improvement**  
**Attn: F/C Dept**  
**3476 Stateview Boulevard**  
**Fort Mill, SC 29715**

This notice to comply is to inform you that on 1/06/09, the property located at 2608 W. Fremont Dr. 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 1/26/09 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).

Sec. 21-3. Enumerated violations.

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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

(1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city

**Please take the following corrective action by: 1/26/09**

Required Correction(s):

1. **Please trim the over height grass in the front and back yard.**
2. **Please remove the weeds/grass growing within the gravel landscape in the west side yard.**
3. **Please move the trash, furniture and miscellaneous items from the back yard.**

**\*\*\*If the above required corrections are not satisfied by 1/26/09, the City of Tempe will abate placing a lien against the property for the cleanup costs.**

*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**

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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: Brandy Zedlar

Phone Number: 480-350-8623  
E-mail: brandy\_zedlar@tempe.gov

OFFICIAL RECORDS OF  
**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

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1218112401/1218112401

Title No: 289737

FHA/VA No.:

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**NOTICE OF TRUSTEE'S SALE**

**File ID. #08-47457 Navarro**

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 **\$174,400.00** executed by **Jesus Navarro, an unmarried man, 2608 West Fremont Drive, Tempe, AZ 85282**, dated **December 8, 2005** and recorded **December 14, 2005**, as Instrument No./Docket-Page **2005-1891201** 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 **December 16, 2008 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 43, KNOELL GARDENS AMENDED, according to Book 163 of Maps, Page 42; and Corrected by Instrument recorded in Docket 10236, Page 401, records of Maricopa County, Arizona.

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

**2608 West Fremont Drive**

**Tempe, AZ 85282**

**Tax Parcel No.: 123-22-049**

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 .....)*





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

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

**DATE:** February 19, 2009

**TO:** Wells Fargo Home Improvement  
Attn: F/C Fept  
3476 Stateview Boulevard  
Fort Mill, SC 29715

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

**LEGAL:** Parcel # 123-22-049, as recorded with the Maricopa County Assessor.

**LOCATION:** 2608 W. Fremont Dr. 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 April 21, 2009. 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/trash clean-up in the front and back yard.

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 \$352.00. 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





