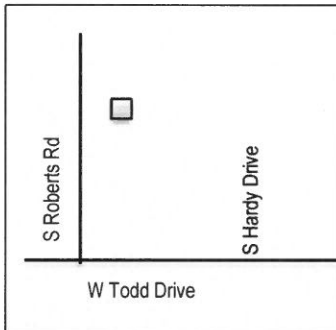

**CITY OF TEMPE
HEARING OFFICER****Meeting Date: 11/17/2015
Agenda Item: 12**

ACTION: Request approval to abate public nuisance items at the MENDOZA PROPERTY located at 7211 South Roberts Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$370.00

RECOMMENDATION: Staff – Approve 180 Day Open Abatement

BACKGROUND INFORMATION: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the Mendoza Property (CE156134) located at 7211 South Roberts Road. The file represents a history correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items for: over height grass, weeds & palm tree issues.



Applicant	City of Tempe – Code Compliance
Zoning District	R1-4, Single-Family Residential
Code Compliance Inspector	Michael Spencer

ATTACHMENTS: Supporting Attachments

STAFF CONTACT: Michael Spencer, Code Compliance Inspector (480-350-8075)

Department Director: Dave Nakagawara Community Development Director
Legal review by: N/A
Reviewed by: Jeff Tamulevich, Code Enforcement Manager

COMMENTS:

Code Compliance is requesting approval to abate the Mendoza Property located at 7211 South Roberts Road in the R1-4, Single-Family Residential District.

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. Due to the history of recidivism of the property owner and attempts to have the site remediated by the property, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

HISTORY & FACTS:

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

DATE: 10/15/2015

SUBJECT: Andy L Mendoza & Cora Grant Mendoza Property Abatement

LOCATION: 7211 S Roberts RD

LEGAL: Book 301, Map 46, Parcel 078, as recorded with the Maricopa County Assessor

OWNER: Andy L Mendoza & Cora Grant Mendoza
7211 S Roberts RD
Tempe, AZ 85283

FINDINGS:

08/24/2015 Property was inspected and found to have grass & weeds in the gravel of the front yard and north side yard. Palm tree on the north side yard obstructing the passage of the sidewalk and a dead palm tree on the ground. First notice was mailed to the owner.

09/08/2015 Property was inspected and found to have no change in the condition of the landscape or obstruction. First notice was returned. A check of County records shows that the property is in foreclosure with a sale date of 01/05/2016. A new notice was posted to the front door and mailed to the current beneficiary.

09/29/2015 Property was inspected and found to have no change in the condition of the landscape or obstruction. Final notice was posted to the front door and mailed to the current beneficiary.

10/14/2015 Property was inspected and found to have no change in the condition of the landscape or obstruction. Photos were taken of the property and a bid was requested for cleanup of the property.

10/15/2015 A bid was received with a cost of \$370.00 for cleanup of the property

RECOMMENDATIONS:

The owners of this property Andy L Mendoza & Cora Grant Mendoza have made no attempt to bring the property into compliance with city codes. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code. A 180 day open abatement is also requested for this property.

Respectfully submitted,

Michael Spencer
Senior Code Inspector
City of Tempe

ACTION TAKEN: submit
NAME: Michael Spencer
DATE: 10-15-15



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: 10/15/2015

TO: Andy L Mendoza & Cora Grant Mendoza
7211 S Roberts RD
Tempe, AZ 85283

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

LEGAL: Book 301, Map 46, Parcel 078, as recorded with the Maricopa County Assessor.

LOCATION: 7211 S ROBERTS RD

This office will submit this complaint to the Community Development Department Abatement Hearing Officer to be placed on the Hearing Officer agenda of 11/17/2015. 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:

Violation of the Tempe City Code, Chapter 21-3-b-7

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 in the city.

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

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 \$370.00 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 Compliance Officer: Michael Spencer

Phone Number 480-350-8075

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: MICHEAL SPENCER

FIRM: CITY OF TEMPE CODE COMPLIANCE

DATE: 10-14-2015

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T13-004-03

ADDRESS: 7211 S ROBERTS RD

- | | |
|--|----------|
| 1. CLEAN FRONT YARD AND HAUL AWAY DEBRIS | \$300.00 |
| 2. ESTAMATED DUMP FEES | 70.00 |

TOTAL COST FOR JOB

=====
\$ 370.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

THANK YOU FOR YOUR BUSINESS!

BH

Unofficial 20 Document

Recording requested by:

14
Pa

When recorded mail to:

Quality Loan Service Corporation
411 Ivy Street
San Diego, CA 92101

TS No.: AZ-14-614869-CL
Order No.: 140047158-AZ-VOI

Space above this line for recorders use

Notice of Trustee's Sale

The following legally described trust property will be sold, pursuant to the power of Sale under that certain Deed of Trust dated **6/23/2006** and recorded **6/30/2006** as Instrument **20060887280**, in the office of the County Recorder of **MARICOPA** County, Arizona. **NOTICE! IF YOU BELIEVE THERE IS A DEFENSE TO THE TRUSTEE SALE OR IF YOU HAVE AN OBJECTION TO THE TRUSTEE SALE, YOU MUST FILE AN ACTION AND OBTAIN A COURT ORDER PURSUANT TO RULE 65, ARIZONA RULES OF CIVIL PROCEDURE, STOPPING THE SALE NO LATER THAN 5:00 P.M. MOUNTAIN STANDARD TIME OF THE LAST BUSINESS DAY BEFORE THE SCHEDULED DATE OF THE SALE, OR YOU MAY HAVE WAIVED ANY DEFENSES OR OBJECTIONS TO THE SALE. UNLESS YOU OBTAIN AN ORDER, THE SALE WILL BE FINAL** and will occur at public auction to the highest bidder:

Sale Date and Time: **1/5/2016 at 12:00PM**

Sale Location: **In the courtyard to the Superior Court Building, located at 201 W. Jefferson Phoenix, AZ 85003**

Legal Description: **LOT 35, OF FESTIVA TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 386 OF MAPS, PAGE 2.**

Purported Street Address: **7211 S ROBERTS RD, TEMPE, AZ 85283**

Tax Parcel Number: **301-46-078-1**

Original Principal Balance: **\$225,000.00**

Name and Address of Current Beneficiary: **THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-25CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-25CB
C/O New Penn Financial, LLC d/b/a Shellpoint
Mortgage Servicing
55 Beattie Place, Suite 500
Greenville, SC 29601**

Name(s) and Address(s) of Original Trustor(s):

**ANDY L MENDOZA , AND CORA GRANT
MENDOZA , HUSBAND AND WIFE
7211 S. ROBERTS ROAD, TEMPE, AZ 85283-4419**

Name and Address of Trustee/Agent:

**Quality Loan Service Corporation
411 Ivy Street, San Diego, CA 92101
Phone: (866) 645-7711
Sales Line: 888-988-6736
Login to: Salestrack.tdsf.com
AZ-14-614869-CL**

The successor trustee qualifies to act as a trustee under A.R.S. §33-803(A)(1) in its capacity as a licensed Arizona escrow agent regulated by the Department of Financial Institutions.

If the sale is set aside for any reason, including if the Trustee is unable to convey title, the Purchaser at the sale shall be entitled only to a return of the monies paid to the Trustee. This shall be the Purchaser's sole and exclusive remedy. The purchaser shall have no further recourse against the Trustor, the Trustee, the Beneficiary, the Beneficiary's Agent, or the Beneficiary's Attorney. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holders right's against the real property only.

QUALITY MAY BE CONSIDERED A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TS No.: AZ-14-614869-CL

Dated:

9/25/15

QUALITY LOAN SERVICE CORPORATION

John Pascual
By: John Pascual, Assistant Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of: California

County of: San Diego

SEP 25 2015

COURTNEY PATANIA

On SEP 25 2015 before me, John Pascual, a notary public, personally appeared John Pascual, 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.

Unofficial Document

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.

Courtney Patania
Signature



COURTNEY PATANIA



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08-24-2015

ANDY L & CORA MENDOZA
37216 N 22ND ST #12
PHOENIX, AZ 85086

Case#: CE156134
Site Address: 7211 S ROBERTS RD

SITE REINSPECTION ON OR AFTER: 09/08/2015

This is a notice to inform you that this site was inspected on 08/24/2015 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.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 21-3-b-7

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 in the city.

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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

Please trim the palm tree on the north side yard so that it does not obstruct the passage of the sidewalk.
Please remove the dead palm tree from the north side yard.
Please remove grass and weeds from the front of the north side yard. Gravel landscaping must be maintained free of grass and weeds.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: 480-350-8372

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.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

09-08-2015

ANDY L & CORA MENDOZA
7211 S ROBERTS RD
TEMPE, AZ 85284

Case#: CE156134
Site Address: 7211 S ROBERTS RD

SITE REINSPECTION ON OR AFTER: 09/29/2015

This is a notice to inform you that this site was inspected on 09/08/2015 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.

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

09-08-2015

**QUALITY LOAN SERVICE CORPORATION
411 IVY STREET
SAN DIEGO, CA 92101**

Case#: CE156134
Site Address: 7211 S ROBERTS RD

SITE REINSPECTION ON OR AFTER: 09/29/2015

This is a notice to inform you that this site was inspected on 09/08/2015 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.

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**Michael Spencer
Senior Code Inspector**

**Direct: 480-350-8075
Code Compliance: 480-350-8372**

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

09-29-2015

**ANDY L & CORA MENDOZA
7211 S ROBERTS RD
TEMPE, AZ 85284**

Case#: CE156134
Site Address: 7211 S ROBERTS RD

SITE REINSPECTION ON OR AFTER: 10/13/2015

This is a notice to inform you that this site was inspected on 09/29/2015 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.

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- Please remove the dead palm tree from the north side yard.
- Please remove grass and weeds from the front of the north side yard. Gravel landscaping must be maintained free of grass and weeds.

IF NOT IN COMPLIANCE BY 10/13/2015 AN ABATEMENT PROCESS WILL BE INITIATED WHICH COULD RESULT IN A LIEN BEING PLACED ON THE PROPERTY.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michael Spencer
Senior Code Inspector**

**Direct: 480-350-8075
Code Compliance: 480-350-8372**

Civil and Criminal Penalties

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

09-29-2015

**QUALITY LOAN SERVICE CORPORATION
411 IVY STREET
SAN DIEGO, CA 92101**

Case#: CE156134
Site Address: 7211 S ROBERTS RD

SITE REINSPECTION ON OR AFTER: 10/13/2015

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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michael Spencer
Senior Code Inspector**

**Direct: 480-350-8075
Code Compliance: 480-350-8372**

Civil and Criminal Penalties

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