

**CITY OF TEMPE
HEARING OFFICER**

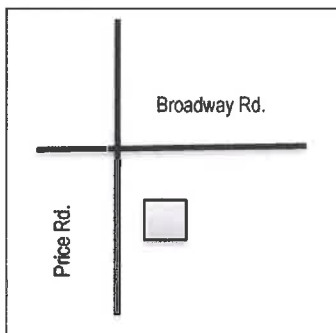
**Meeting Date: 11/05/2019
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the 2017-2 IH Borrower LP Property located at 2418 S. Cottonwood Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$586.00 for abatement request, remove grass and weeds from front gravel landscape.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the 2017-2 IH BORROWER LP PROPERTY. 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 CE194028: remove grass and weeds from front gravel landscape.



Property Owner: 2017-2 IH Borrower LP
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: Michael Glab, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the 2017-2 IH Borrower LP Property located at 2418 S. Cottonwood Drive, in the R1-6, Single Family Residential district. This case was initiated 06/11/2019, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

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 a 180 day open 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.

ABATEMENT

Planning Application

Part 1 of 2

City of Tempe
 Community Development Department
 31 East 5th Street, Garden Level, Tempe, Arizona 85281
 (480) 350-4311 Fax (480) 350-8677
 Planning Fax (480) 350-8872
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION - REQUIRED			
PROJECT NAME	2017-2 IH BORROWER LP ABATEMENT		EXISTING ZONING R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2418 S COTTONWOOD DR TEMPE AZ 85282		SUITE(S) <input type="checkbox"/>
PROJECT DESCRIPTION	BROADWAY PALMS ABATEMENT OF CE194028 NOVEMBER 05, 2019		PARCEL No(s) 134-40-077 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
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or attach written statement authorizing the applicant to file the application(s)

APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP 85282-3681
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461 PHONE 2

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X <i>Michael Glab</i>	DATE	09/09/2019
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
TYPE OF BUSINESS	PHONE	EMAIL	

APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see for types)	FOR CITY USE ONLY (planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAF	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISIONS / CONDOMINIUMS			SDP	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 09/09/2019

SUBJECT: 2017-2 IH BORROWER LP Abatement

LOCATION: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

LEGAL: LOT 74, BOOK 163, PAGE 17, as recorded with the Maricopa County Assessor

OWNER: 2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201

FINDINGS:

In June, of 2019, my office received a complaint. Violations of Code were observed at the property, two notices were mailed to the property owner.

In July of 2019, I followed up at the property, observed a violation remained. I posted a notice to the structure.

In August of 2019, violation remained at property and property abatement was sought.

RECOMMENDATIONS:

The owner(s) of this property, 2017-2 IH BORROWER LP, has made some attempt to bring the property into compliance, but is still incomplete. 2017-2 IH BORROWER LP have not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. 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.

Respectfully submitted,

MICHAEL GLAB
Code Inspector
City of Tempe

ACTION TAKEN: _____

NAME _____

DATE: _____

Submit
[Signature]
9 9 19



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 09/09/2019
Case #: CE194028

**2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201**

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

Location: 2418 S COTTONWOOD DR TEMPE, AZ 85282
Parcel: 13440077

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 11/05/2019 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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:

CC 21-3.b.8 Deteriorated landscape

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

CC 21-3.b.8 Please grass/weeds from gravel/rock portions of front of landscape

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 \$586.00. 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 of 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)350-4311.

**Code Inspector: Michael Glab
Phone Number: 480-350-5461
E-mail: Michael_Glab@tempe.gov**



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06/11/2019

2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/11/2019 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.

Section	Violation
CC 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; 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;
CC 21-4.a.2.c	Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	06/25/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	07/11/2019

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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

06/11/2019

CHANTEL RANDOLPH
2418 S COTTONWOOD DR
TEMPE, AZ 85282

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	06/25/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	07/11/2019

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

06/11/2019

INVITATION HOMES
 1121 W WARNER RD #110
 TEMPE, AZ 85284

Case #: CE194028
 Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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

Michael Glab
 Code Inspector

Direct: 480-350-5461
 Code Compliance: 480-350-8372
 Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06/26/2019

2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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

07/18/2019

2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/17/2019 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.

Section	Violation
CC 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; 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;
CC 21-4.a.2.c	Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	07/29/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	08/29/2019

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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
POST TO STRUCTURE

07/18/2019

CHANTEL RANDOLPH
2418 S COTTONWOOD DR
TEMPE, AZ 85282

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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CC 21-4.a.2.c	Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	07/29/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	08/29/2019

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/18/2019

INVITATION HOMES
1121 W WARNER RD #110
TEMPE, AZ 85284

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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CC 21-4.a.2.c	Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	07/29/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	08/29/2019

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Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

08/05/2019

2017-2 IH BORROWER LP
1717 MAIN ST STE 2000
DALLAS, TX 75201

Case #: CE194028
Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	08/19/2019
CC 21-4.a.2.c	Please repair/replace portions of roof with missing, damaged or displaced shingles (e.g. corner of front patio area where plywood is clearly visible, etc.)	09/04/2019

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

08/05/2019

CHANTEL RANDOLPH
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TEMPE, AZ 85282

Case #: CE194028
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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

08/05/2019

IH6 PROPERTY PHOENIX LP
 c/o TIRA FLOWERS
 8665 E HARTFORD DR STE 200
 SCOTTSDALE, AZ 85255

Case #: CE194028
 Site Address: 2418 S COTTONWOOD DR, TEMPE, AZ 85282

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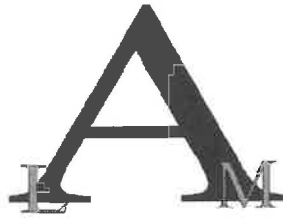
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Artistic Land Management, Inc.

August 2, 2019

City of Tempe
Attn: Michael Glab
Code Inspector

RE: Clean up – 2418 S Cottonwood Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 2418 S Cottonwood Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Weed whacking of grass/weeds from entirety of front/side yard landscape
- Haul away and disposal of yard waste
- Application of grass killer and/or pre-emergent over entirety of landscape
- Tempe PD presence during abatement

Total = \$586.00

Respectfully,

Jose Hernandez

Sep 5, 2019 10:14:59 AM
Tempe

