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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 12/17/2019**

**Agenda Item: 3**

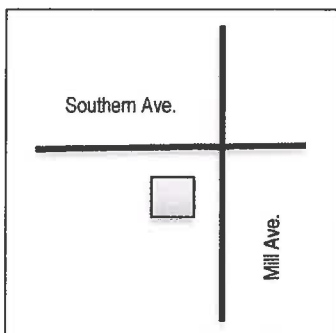
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**ACTION:** Request approval to abate public nuisance items at the Smith Property located at 209 W. Southern Avenue. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$420.00 for abatement request, landscape cleanup and removal of debris.

**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 SMITH 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 CM190783: landscape cleanup and removal of debris.



Property Owner: Norman Smith Investments LLC  
Applicant: City of Tempe – Code Compliance  
Zoning District: CSS, Commercial Shopping & Service  
Code Compliance Inspector: Marvin White, 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 Smith Property located at 209 W. Southern Avenue, in the CSS, Commercial Shopping & Service district. This case was initiated 07/16/2019, 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 5<sup>th</sup> 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	NORMAN SMITH INVESTMENTS, L.L.C. / PROPERTY ABATEMENT	SUITE NUMBER(S)	
PROJECT ADDRESS	209 W. SOUTHERN AVE. TEMPE, AZ 85282	EXISTING ZONING	CSS
PROJECT DESCRIPTION	ABATEMENT OF CM190783	PARCEL NUMBER(S)	133-58-013A

PROPERTY OWNER INFORMATION – REQUIRED				
COMPANY/FIRM NAME	NORMAN SMITH INVESTMENTS, L.L.C.	OWNER ADDRESS	3403 S. WESTFALL AVE.	
OWNER CONTACT	ANDREW SMITH	CITY	TEMPE,	
PHONE	602-694-0421	STATE	AZ.	ZIP 85282
EMAIL	andrew@normansmith.net			

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

PROPERTY OWNER SIGNATURE or attach written statement authorizing the applicant to file the request(s):	Date: 12-17-19
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APPLICANT INFORMATION – REQUIRED				
COMPANY/FIRM NAME	CITY OF TEMPE / CODE ENFORCEMENT	APPLICANT ADDRESS	21 E 6TH ST, STE 208	
APPLICANT NAME	MARVIN WHITE / CODE INSPECTOR	CITY	TEMPE	
PHONE	480-350-8966	STATE	AZ	ZIP 85281
EMAIL	marvin_white@tempe.gov			

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: 	Date: 11/14/19
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs (optional for other entitlement requests)			
BUSINESS NAME		BUSINESS CONTACT	
TYPE OF BUSINESS		PHONE	
		EMAIL	

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA AND APPLICATION INFORMATION**

FOR CITY USE ONLY				
DS		PL	1 <sup>st</sup> Preliminary Review Process (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use resubmittal form)	SPR
FILE THIS APPLICATION WITH:		CM		CE
DATE RECEIVED: (stamp)		TOTAL APPLICATION FEES		
		VALIDATION OF PAYMENT (stamp)		
		RECEIVED BY INTAKE STAFF (initials)		

# Planning Application

Part 2 of 2

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



PROJECT DATA (as applicable)			
General Plan Projected Land Use		Proposed Residential Density (du/ac)	
General Plan Projected Density		# of Units	
Current Zoning		# of Bedrooms / Keys (if hotel)	
Proposed Zoning		Total Building Square Footage (gross)	
Gross Acres REQUIRED FOR GENERAL PLAN AMENDMENT, PAD & DEVELOPMENT PLAN REVIEW REQUEST (actual property boundaries, excludes existing ROW, i.e. not measured to the 1/2 street or alley)		Total Building Height	
Net Acres REQUIRED FOR ZONING AMENDMENT (same as gross unless ROW is to be dedicated)		Lot Coverage (% and s.f.)	
# of Existing Lots		Landscape Area (% and s.f.)	
# of Proposed Lots / Condo Units REQUIRED FOR PLAT		Total Onsite Parking Provided	

<input checked="" type="checkbox"/>	APPLICATION INFORMATION: (check all that apply)	QTY:	SPECIFIC REQUEST: (refer to fee schedule for process types)	TRACKING #: (FOR CITY USE ONLY)	
	A. Preliminary Site Plan Review			SPR	
	B. Administrative Applications			ADM	
	C. Variances			VAR	
	D. Use Permits / Use Permit Standards			ZUP	
	E. Zoning Code Amendments			ZOA	ZON
	F. Planned Area Development Overlays			PAD	REC
	G. Subdivisions / Condominiums			SBD	REC
	H. Development Plan Review			DPR	
	I. Appeals				
	J. General Plan Amendments			GPA	
	K. Zoning Verification Letters			ZVL	
<input checked="" type="checkbox"/>	L. Abatements	1		CE	CM
TOTAL NUMBER OF REQUESTS:		1			

## Know Your Rights: Arizona Revised Statutes (ARS) and Your Request

For additional information on Municipal Regulations see AZ Revised Statutes- Title 9, Chapter 7, Article 4 <https://www.azleg.gov/arstitle/>

### 9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.
- For additional information see ARS 9-831-9-840.

### 9-836. License application process

A municipality that issues licenses shall provide the following information to an applicant at the time the applicant obtains an application for a license:

- A list of all the steps the applicant is required to take in order to obtain the license.
- The applicable licensing time frames.
- The name and telephone number of a municipal contact person who can answer questions or provide assistance throughout the application process.
- The website address and any other information, if applicable, to allow the regulated person to use electronic communication with the municipality.
- Notice that an applicant may receive a clarification from the municipality of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement as provided in section 9-839.

CASE # CM190783



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/14/2019

**NORMAN SMITH INVESTMENTS, L.L.C.**  
**ATTN: ANDREW SMITH**  
**3403 S. WESTFALL AVE.**  
**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: BOOK, MAP, PARCEL, AS RECORDED WITH THE MARICOPA COUNTY ASSESSOR.**

**Location: 209 W. SOUTHERN AVE. TEMPE, AZ. 85281**

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This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 12/17/2019. 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:

- **REMOVE ALL OVERGROWN WEEDS AND DEBRIS FROM PROPERTY.**
- 
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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 \$420.00 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 if the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480) 350-8372.**

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**Code Inspector: MARVIN WHITE**

**Phone Number: (480)350-8966**

**E-mail: marvin\_white@tempe.gov**

**HAMANN ENTERPRISES, LLC**

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: MARVIN WHITE

FIRM: CITY OF TEMPE

DATE: 9/16/19

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 209 W SOUTHERN AVE

1 LANDSCAPE AND REMOVE TRASH AND DEBRIS AROUND BUILDING	\$400.00
2 ESTAMATED DUMP FEES	\$20.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$420.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

**DATE:** November 14, 2019  
**TO:** Jeff Tamulevich, Code Compliance Manager  
**FROM:** Marvin White, Code Inspector  
**SUBJECT:** CM190783 / Norman Smith Investments, L.L.C. / Property Abatement

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**LOCATION:** 209 W. Southern Ave. Tempe, AZ 85282  
**LEGAL:** Book, Map, Parcel, as recorded with the Maricopa County Assessor  
**OWNER:** Norman Smith Investments, L.L.C. / Andrew Smith  
3403 S. Westfall Ave.  
Tempe, AZ. 85282

**FINDINGS:**

See Attached.

**RECOMMENDATIONS:**

I recommend a 180-day abatement of the property located at 209 W. Southern Ave. since the property owner Norman Smith Investments, L.L.C. has failed to bring the property into compliance with the City of Tempe Nuisance Code and the property has become blight on the neighborhood.

Thank you,

Marvin White  
Code Inspector II

ACTION TAKEN: Submit  
NAME [Signature]  
DATE: 11 14 19





## COMMUNITY DEVELOPMENT Code Compliance

### Enforcement

CM190783

NORMAN SMITH INVESTMENTS, L.L.

Description of Work:

VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS PHOTOS TAKEN VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.

Project Address:

209 W SOUTHERN AVE

Marvin White	7/16/2019	VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS PHOTOS TAKEN VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.
Marvin White	7/30/2019	VISITED SITE AND NO CHANGE NOTICED PHOTO TAKEN CONTACTED THE PROPERTY OWNER ANDREW SMITH A MESSAGE WAS LEFT TO CALL ME. WILL FOLLOW UP.
Marvin White	8/6/2019	VISITED SITE AND NO CHANGE NOTICED PHOTO TAKEN CONTACTED THE PROPERTY OWNER ANDREW SMITH A MESSAGE WAS LEFT TO CALL ME. WILL FOLLOW UP.
Marvin White	8/13/2019	VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS IN FRONT OF BUILDING NOT REMOVED AND ALSO NOTICED GRAFFITI ON BACK OF BUILDING FINAL CERTIFIED VIOLATION LETTER MAILED TO THE PROPERTY OWNER ANDREW SMITH. WILL FOLLOW UP.
Marvin White	8/22/2019	VISITED SITE AND NOTICED ALL GRAFFITI REMOVED BUT OVERGROWN WEEDS AND DEBRIS REMAINING PHOTOS TAKEN CONTACTED THE PROPERTY OWNER ANDREW SMITH A MESSAGE WAS LEFT TO BRING THE SITE INTO COMPLIANCE IMMEDIATELY TO AVOID FURTHER ENFORCEMENT ACTION. WILL FOLLOW UP.
Marvin White	8/27/2019	VISITED SITE AND NO CHANGE NOTICED CONTACTED THE REALTOR FOR THE SITE ANDY JAFFE 480-966-2301 A MESSAGE WAS LEFT TO CALL ME TO AVOID FURTHER ENFORCEMENT ACTION. WILL FOLLOW UP.
Marvin White	8/29/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	9/3/2019	VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS NOT REMOVED PHOTOS TAKEN CONTACTED THE PROPERTY OWNER ANDREW SMITH A MESSAGE WAS LEFT TO CONTACT ME TO AVOID FURTHER ENFORCEMENT ACTION. WILL FOLLOW UP.
Marvin White	9/11/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	9/12/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	9/23/2019	VISITED SITE AND NO CHANGE NOTICED PHOTOS TAKEN CITATION ISSUED AND MAILED TO THE PROPERTY OWNER ANDREW SMITH. WILL FOLLOW UP.
Marvin White	9/23/2019	FINAL CERTIFIED VIOLATION LETTER MAILED TO THE PROPERTY OWNER ANDREW SMITH RETURNED UNCLAIMED. WILL FOLLOW UP.
Marvin White	10/10/2019	VISITED SITE AND NO CHANGE NOTICED PHOTOS TAKEN. WILL FOLLOW UP.
Marvin White	10/17/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	10/29/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	10/30/2019	VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS IN FRONT AND NOT REMOVED PHOTOS TAKEN. WILL FOLLOW UP.
Marvin White	10/31/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	11/6/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	11/7/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.



## COMMUNITY DEVELOPMENT Code Compliance

Marvin White 11/14/2019 VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS NOT REMOVED INTENT TO ABATE NOTICE POSTED TO PROPERTY AND MAILED TO THE PROPERTY OWNER ANDREW SMITH PHOTOS TAKEN. WILL FOLLOW UP



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**CORRECTION NOTICE**

07/16/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: OWNER  
4840 E. JASMINE ST. # 115  
MESA, AZ. 85205

Case #: CM190783

Site Address: 207 / 209 W. SOUTHERN AVE. TEMPE, AZ.

**SITE REINSPECTION ON OR AFTER: 07/30/19**

This is a notice to inform you that this site was inspected on 07/16/19 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>
ZDC 4-102.E.1	Site not maintained overgrown weeds and debris.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
ZDC 4-102.E.1	Maintain site in conformance with plans approved by the City and <b>rake</b> and <b>remove</b> all overgrown weeds and debris from all dirt and gravel areas.

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

**Marvin White**  
Code Inspector II

**Direct: 480-350-8966**  
**Code Compliance: 480-350-8372**  
**Email: marvin\_white@tempe.gov**

**Civil and Criminal Penalties**

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

**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).



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**CORRECTION NOTICE**

07/16/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: OWNER  
64 E. BROADWAY RD.  
TEMPE, AZ. 85282

Case #: CM190783

Site Address: 207 / 209 W. SOUTHERN AVE. TEMPE, AZ.

**SITE REINSPECTION ON OR AFTER: 07/30/19**

This is a notice to inform you that this site was inspected on 07/16/19 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**  
**ZDC 4-102.E.1**      Site not maintained overgrown weeds and debris.

**SECTION**      **PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**  
**ZDC 4-102.E.1**      Maintain site in conformance with plans approved by the City and **rake** and **remove** all overgrown weeds and debris from all dirt and gravel areas.

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

**Marvin White**  
**Code Inspector II**

**Direct: 480-350-8966**  
**Code Compliance: 480-350-8372**  
**Email: marvin\_white@tempe.gov**

**Civil and Criminal Penalties**

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

**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).



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**CORRECTION NOTICE**

07/16/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: OWNER  
3403 S. WESTFALL AVE.  
TEMPE, AZ. 85282

Case #: CM190783

Site Address: 207 / 209 W. SOUTHERN AVE. TEMPE, AZ.

**SITE REINSPECTION ON OR AFTER: 07/30/19**

This is a notice to inform you that this site was inspected on 07/16/19 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**  
**ZDC 4-102.E.1**      Site not maintained overgrown weeds and debris.

**SECTION**      **PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**  
**ZDC 4-102.E.1**      Maintain site in conformance with plans approved by the City and **rake** and **remove** all overgrown weeds and debris from all dirt and gravel areas.

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

**Marvin White**  
**Code Inspector II**

**Direct: 480-350-8966**  
**Code Compliance: 480-350-8372**  
**Email: marvin\_white@tempe.gov**

**Civil and Criminal Penalties**

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

**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).



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

FINAL CORRECTION NOTICE

08/13/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: ANDREW SMITH  
3403 S. WESTFALL AVE.  
TEMPE, AZ. 85282

Case #: CM190783

Site Address: 209 W. SOUTHERN AVE. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 08/23/19

This is a notice to inform you that this site was inspected on 08/13/19 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>
ZDC 4-102.E.1	Site not maintained overgrown weeds and debris.
CC 22-105.A	Site not maintained graffiti present.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
ZDC 4-102.E.1	Maintain site in conformance with plans approved by the City and <b>rake</b> and <b>remove</b> all overgrown weeds and debris from all dirt and gravel areas immediately or a citation will be issued and the site abated and a lien placed.
CC 22-105.A	Maintain site and <b>remove</b> all graffiti immediately or the site will be abated and a lien placed.

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

Marvin White  
Code Inspector II

Direct: 480-350-8966  
Code Compliance: 480-350-8372  
Email: marvin\_white@tempe.gov

**Civil and Criminal Penalties**

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

**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).



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

FINAL CORRECTION NOTICE

08/13/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: ANDREW SMITH  
64 E. BROADWAY RD.  
TEMPE, AZ. 85282

Case #: CM190783

Site Address: 209 W. SOUTHERN AVE. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 08/23/19

This is a notice to inform you that this site was inspected on 08/13/19 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>
ZDC 4-102.E.1	Site not maintained overgrown weeds and debris.
CC 22-105.A	Site not maintained graffiti present.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
ZDC 4-102.E.1	Maintain site in conformance with plans approved by the City and <b>rake</b> and <b>remove</b> all overgrown weeds and debris from all dirt and gravel areas immediately or a citation will be issued and the site abated and a lien placed.
CC 22-105.A	Maintain site and <b>remove</b> all graffiti immediately or the site will be abated and a lien placed.

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

Marvin White  
Code Inspector II

Direct: 480-350-8966  
Code Compliance: 480-350-8372  
Email: marvin\_white@tempe.gov

Civil and Criminal Penalties

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

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).



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**FINAL CORRECTION NOTICE**

08/13/19

NORMAN SMITH INVESTMENTS, L.L.C.  
ATTN: ANDREW SMITH  
4840 E. JASMINE ST. # 115  
MESA. AZ. 85205

Case #: CM190783

Site Address: 209 W. SOUTHERN AVE. TEMPE, AZ.

**SITE REINSPECTION ON OR AFTER: 08/23/19**

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**Marvin White**  
Code Inspector II

**Direct: 480-350-8966**  
**Code Compliance: 480-350-8372**  
**Email: marvin\_white@tempe.gov**

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

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# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1619650</b>		Case Number	Social Security Number		Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	
Driver's License No.		DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D			Incident Report Number <b>CM 190783</b>		
<b>Defendant</b>		Name (First, Middle, Last) <b>ANDREW SMITH</b>						Juvenile		
Residence Address, City, State, Zip Code		<b>3463 S. WESTFALL AVE. TEMPE, AZ 85282</b>						Residence Phone No. <b>(602) 694-0421</b>		
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions			
Business Address, City, State, Zip Code								Business Phone No. ( )		
<b>Vehicle</b>		Color	Year	Make	Model	Style	License Plate	State	Expiration Date	
Registered owner & address, City, State, Zip Code								Vehicle Identification Number		

The Undersigned Certifies That:

On	Month <b>9</b>	Day <b>23</b>	Year <b>19</b>	Time <b>100</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<b>Speed</b>	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location <b>209 W. SOUTHERN AVE. TEMPE, AZ 85282</b>						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>ZDC 1-201</b>	ARS CC	Violation: <b>4102 E. CURB ROWN WEARS AND DEBRIS</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
<b>B</b>	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
<b>C</b>	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
<b>D</b>	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
<b>E</b>	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						

<b>You must appear on the date and time indicated at:</b>	<b>Tempe Municipal Court</b> 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: <b>10-7-19</b>	Time: <b>Between 9AM &amp; 4PM</b>
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Court Address, City, State, Zip Code		Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
<b>X</b>	<i>Maura White</i> Complainant	<b>7004</b> PSN

Comments: **JUVENILE NOTIFICATION:**  
Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials \_\_\_\_\_

**FIRST OFFENSE #17000**  
**9-23-19**  
Date issued if not violation date

COMPLAINT

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1619650

**Case No: 19-035311-4 Title: CITY OF TEMPE vs ANDREW SMITH**

SMITH, ANDREW  
 3403 S WESTFALL AVE  
 TEMPE, AZ 85282

**Case Status:** Inactive **Case Balance Owning:** \$261.60 **TPC Due Date:**  
**Filed:** 9/25/2019 **Stayed Balance Owning:** \$0.00 **TPC Amount Due:**

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1619650A	4-102E1(1-201A)	09/23/2019	MAINTENANCE	9/25/2019	58 - FAIL TO APPEAR	10/21/2019

# Citations: 1

**REGISTER OF ACTION**

Date	Cite Number	Action	Amount	Judge	User
9/25/2019		ATTC FILED			LGB
9/25/2019		FIRST OFFENSE - \$170.00			LGB
9/25/2019	1619650 A	CIVIL ARRAIGNMENT NLT 10/7/2019			LGB
10/8/2019		CV ARR FTA - PENDING DEFAULT APPEAR NLT 10/21/2019			SYS
10/22/2019	1619650 A	DEFAULT FEE IMPOSED	\$50.00		SYS
10/22/2019	1619650 A	FINE AND APPLICABLE FEES IMPOSED	\$170.00		SYS
10/22/2019	1619650 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
10/22/2019	1619650 A	FTA DEFAULT			SYS
10/22/2019		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$21.60		

# Actions: 9

## 133-58-013A Commercial Parcel

This is a commercial parcel located at [209 W SOUTHERN AVE TEMPE 85282](#), and the current owner is NORMAN SMITH INVESTMENTS LLC. It is located in the Danelle Plaza subdivision and MCR 10115. Its current year full cash value is \$167,300.

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## Property Information

### [209 W SOUTHERN AVE TEMPE 85282](#)

MCR #	<a href="#">10115</a>
Description:	DANELLE PLAZA LOT 13 & UNDIV 1/54 INT IN TR A
Lat/Long	<a href="#">33.39277538   -111.94307742</a>
Lot Size	4,272 sq ft.
Zoning	CSS
Lot #	13
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	34 1N 4E
Market Area/Neighborhood	02/004
Subdivision (25 Parcels)	<a href="#">DANELLE PLAZA</a>

---

## Owner Information

### [NORMAN SMITH INVESTMENTS LLC](#)

Mailing Address	3403 S WESTFALL AVE, TEMPE, AZ 85282
Deed Number	<a href="#">180552606</a>
Last Deed Date	07/20/2018
Sale Date	n/a
Sale Price	n/a

---

**Statutory Agent Information**

**Name:**  
The Hendrix Law Office, PLLC

**Appointed Status:**  
Active 2/28/2019

**Attention:**  
Heather Hendrix

**Address:**  
70 S Val Vista Drive, Suite A3-418, GILBERT, AZ 85296, USA

**Agent Last Updated:**  
2/28/2019

**E-mail:**

**Attention:**

**Mailing Address:**

**County:**  
Maricopa

**Principal Information**

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Member	ANDREW SMITH		3403 S Westfall Ave, TEMPE, AZ, 85282, Maricopa County, USA	6/9/2009	6/20/2019

Page 1 of 1, records 1 to 1 of 1

**Address** 

**Attention:**

**Address:** 64 E. Broadway Road, TEMPE, AZ, 85282, USA

**County:** Maricopa

Privacy Policy (<http://azcc.gov/privacy-policy>) | Contact Us (<http://azcc.gov/corporations/corporation-contacts>)

Last Updated: 2/28/2019

**ENTITY INFORMATION**

**Search Date and Time: 11/7/2019 3:37:59 PM**

**Entity Details**

	<b>Entity Name:</b>
NORMAN SMITH INVESTMENTS, L.L.C.	
	<b>Entity ID:</b>
L15316948	
	<b>Entity Type:</b>
Domestic LLC	
	<b>Entity Status:</b>
<b>Active</b>	
	<b>Formation Date:</b>
6/9/2009	
	<b>Reason for Status:</b>
In Good Standing	
	<b>Approval Date:</b>
9/3/2009	
	<b>Status Date:</b>
	<b>Original Incorporation Date:</b>
6/9/2009	
	<b>Life Period:</b>
Perpetual	
	<b>Business Type:</b>
	<b>Last Annual Report Filed:</b>
	<b>Domicile State:</b>
Arizona	
	<b>Annual Report Due Date:</b>
	<b>Years Due:</b>
	<b>Original Filing Date:</b>
Privacy Policy ( <a href="http://azcc.gov/privacy-policy">http://azcc.gov/privacy-policy</a> )   Contact Us ( <a href="http://azcc.gov/corporations/corporations-contacts">http://azcc.gov/corporations/corporations-contacts</a> )	
5/20/2010	



Feature Information

(1 of 2)

[Clear ?](#)

**133-58-013A**

Owner Information

Owner Name: NORMAN SMITH INVESTMENTS LLC  
 Property Address: 209 W SOUTHERN AVE TEMPE AZ 85282  
 Mailing Address: 3403 S WESTFALL AVE TEMPE AZ 85282  
 Deed Number: 180552606  
 Sale Date:  
 Sale Price: \$

Property Information

Lat/Long: 33.392599, -111.942824  
 S/T/R: 34 1N 4E  
 Jurisdiction: TEMPE  
 Zoning: CSS  
 PUC: 1120  
 Lot Size (sq ft): 4,272  
 MCR #: 101-15  
 Subdivision: DANELLE PLAZA  
 Lot #: 13  
 Floor: 1

Construction Year:  
 Living Space (sq ft):

Valuation Information

Tax Year: 2020 \$167,300  
 2019 \$155,200  
 FCV:

