
**CITY OF TEMPE
HEARING OFFICER**

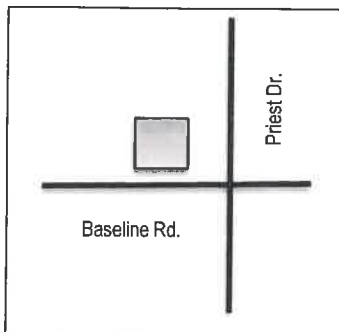
**Meeting Date: 08/18/2020
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Captec Property located at 1530 W. Baseline Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1650.00 for abatement request: Landscape cleanup, remove trash and debris from the property.

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 CAPTEC 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 CM200444: Landscape cleanup, remove trash and debris from the property.



Property Owner: Captec Net Lease Realty Inc.
Applicant: City of Tempe – Code Compliance
Zoning District: RCC, Regional Commercial Center
Code Compliance Inspector: Jack Scofield, 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 Captec Property located at 1530 W. Baseline Road, in the RCC, Regional Commercial Center district. This case was initiated 03/09/20, 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	CAPTEC NET LEASE REALTY INC PROPERTY ABATEMENT	EXISTING ZONING	RCC	<input type="checkbox"/>
PROJECT ADDRESS	1530 W BASLINE RD TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CM200444 AUGUST 18, 2020	PARCEL No(s)	12325-050	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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

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

APPLICANT INFORMATION – REQUIRED

COMPANY / FIRM NAME	CITY OF TEMPE/CODE ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208		
CONTACT NAME	JACK SCOFIELD/CODE INSPECTOR	CITY	STATE	AZ	ZIP
EMAIL	jack_scofield@tempe.gov	PHONE 1	PHONE 2	(480) 350-8967	

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	DATE	7/15/2020
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see planning & zoning fee schedule 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			VAR	
<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			SBD	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	1		CE	CM
TOTAL NUMBER OF APPLICATIONS	1			

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: July 15, 2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CM200444, Captec Net Lease Realty Inc. Property Abatement

LOCATION: 1530 W BASLINE RD TEMPE, AZ 85282

LEGAL: ARIZONA MILLS AMD MCR 472-05

PARCEL: 123-25-050

OWNER: CAPTEC NET LEASE REALTY INC
PO BOX 22845
OKLAHOMA CITY, OK 73123

FINDINGS:

3/9/2020 The Code Compliance Division received complaint for deteriorated landscape. Inspector Sammy Baptiste mailed notice to comply to owner.

4/27/2020 Case reassigned to Inspector Jack Scofield Inspected property and found over height grass and weeds scattered throughout the property. Also found a large amount of trash and debris throughout the property. Notice to comply mailed to owner at 2 addresses and to tenant.

5/18/2020 Mailed final notice to comply to owner at 2 addresses and to tenant.

6/8/2020 Issued civil citation.

6/30/2020 Owner failed to appear for court.

7/15/2020 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1530 W Baseline Rd due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.1 and 21-3.B.8. Property owner has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation and has failed to appear to court. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: SUBMIT
NAME: Jack Scofield
DATE: 7 15 20

CASE # CM200444



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 6/11/20

**CAPTEC NET LEASE REALTY INC
PO BOX 22845
OKLAHOMA CITY, OK 73123**

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

Legal: ARIZONA MILLS AMD MCR 472-05
Location: 1530 W BASLINE RD TEMPE, AZ 85282
Parcel: 123-25-050

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on **08/18/2020**. 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:

1. **CUT OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY**
2. **REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE ENTIRE PROPERTY.**
3. **REMOVE TRASH AND DEBRIS FROM ENTIRE PROPERTY**

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 **\$1650.00**. 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) 350-8967.

Code Inspector: Jack Scofield

Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JACK SCOFIELD

FIRM: CITY OF TEMPE

DATE: 7/13/20

PROPOSAL

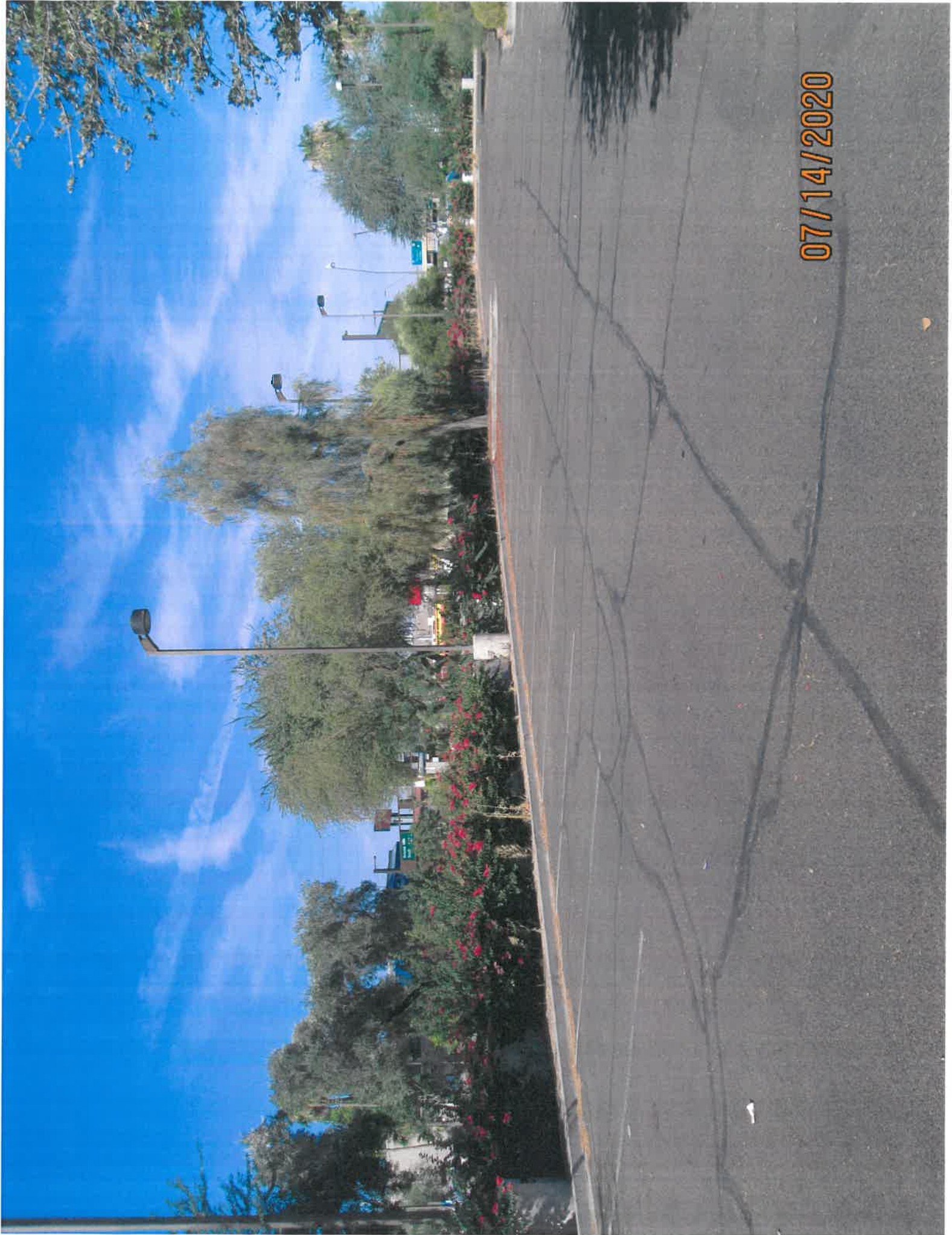
WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 1530 W BASELINE RD

1	REMOVAL OF TALL WEEDS, GRASS AND DEBRIS, TRASH	\$1,500.00
2	ESTAMATED DUMP FEES	\$150.00
3		\$0.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<u>\$1,650.00</u>

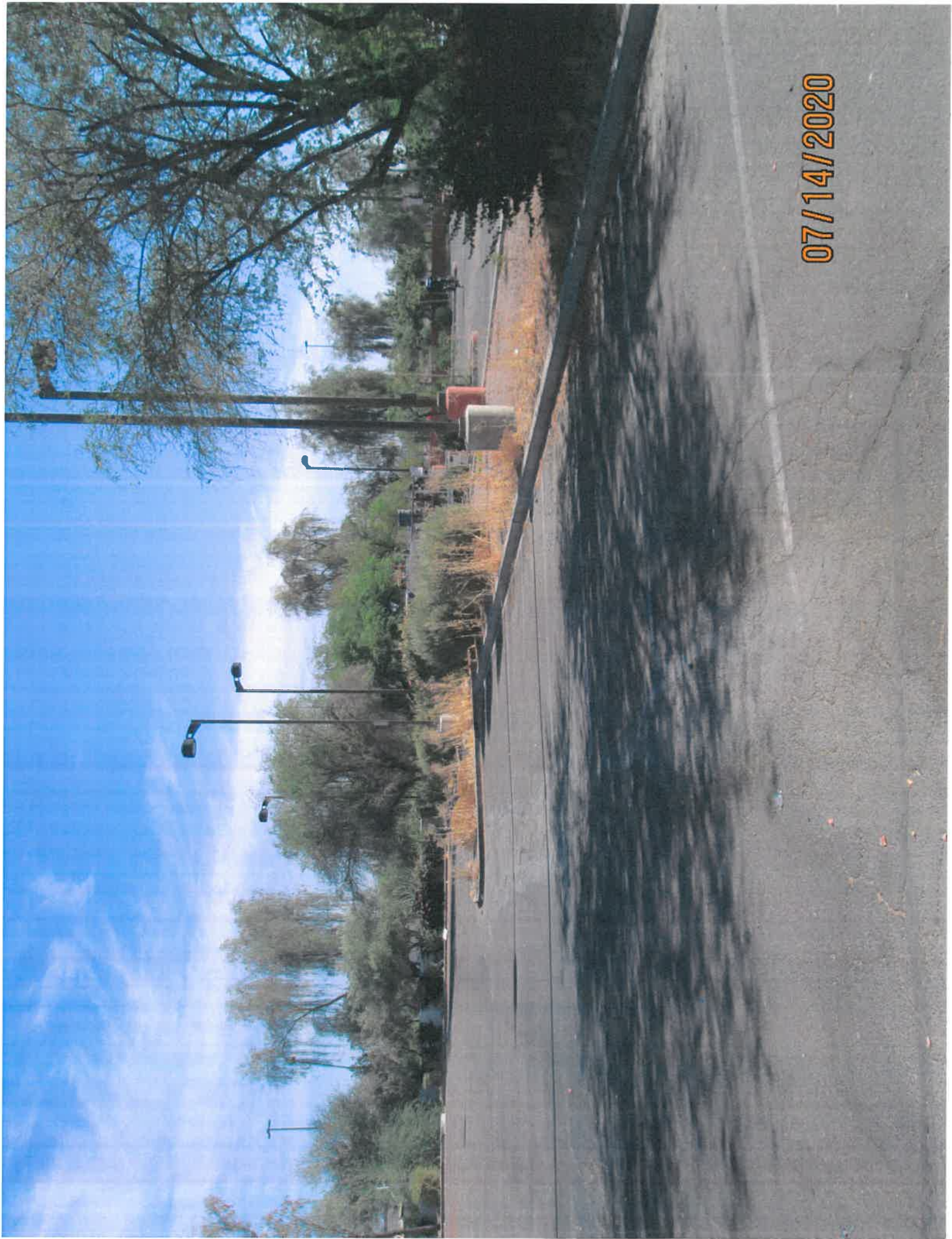
THANK YOU FOR YOUR BUSINESS

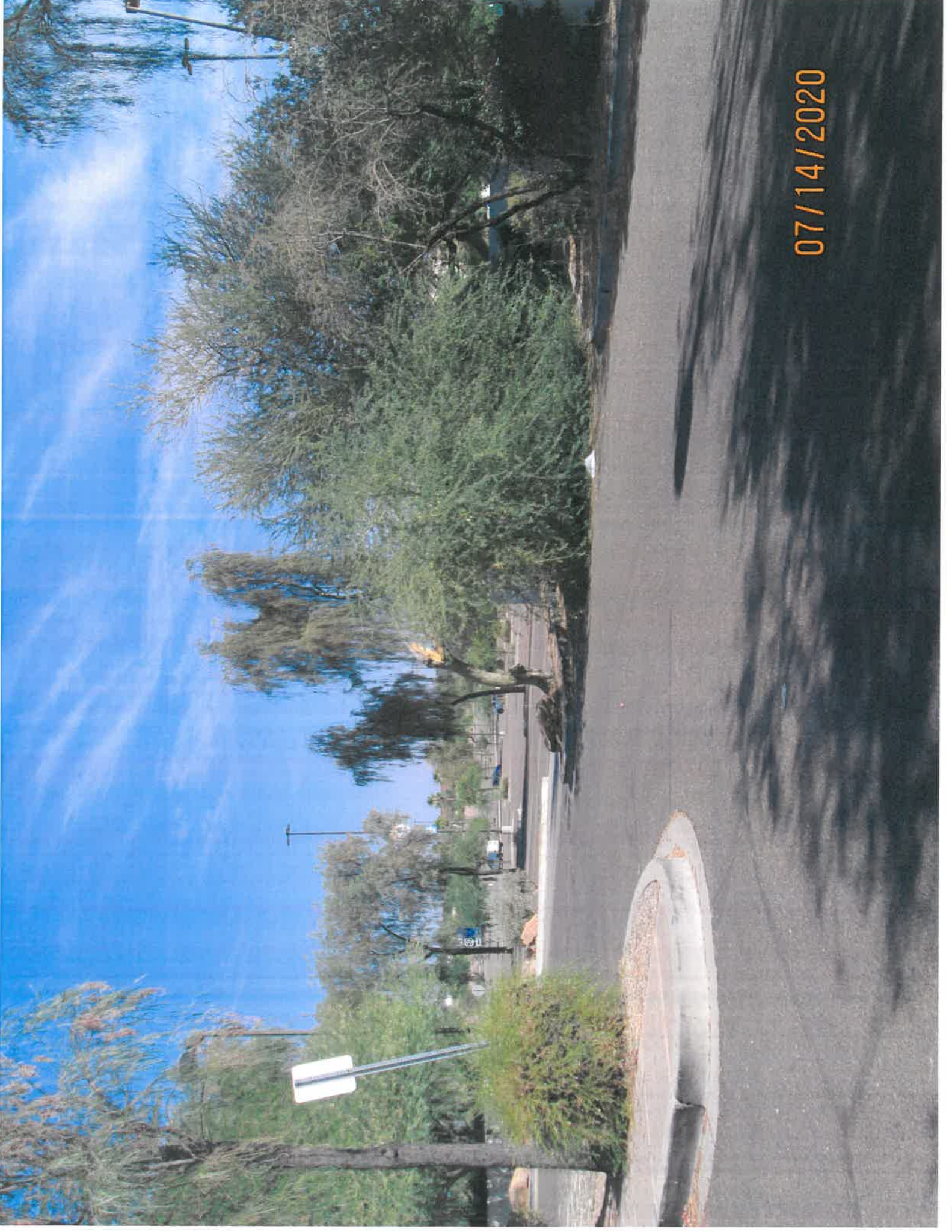
BOB HAMANN



07/14/2020

07/14/2020





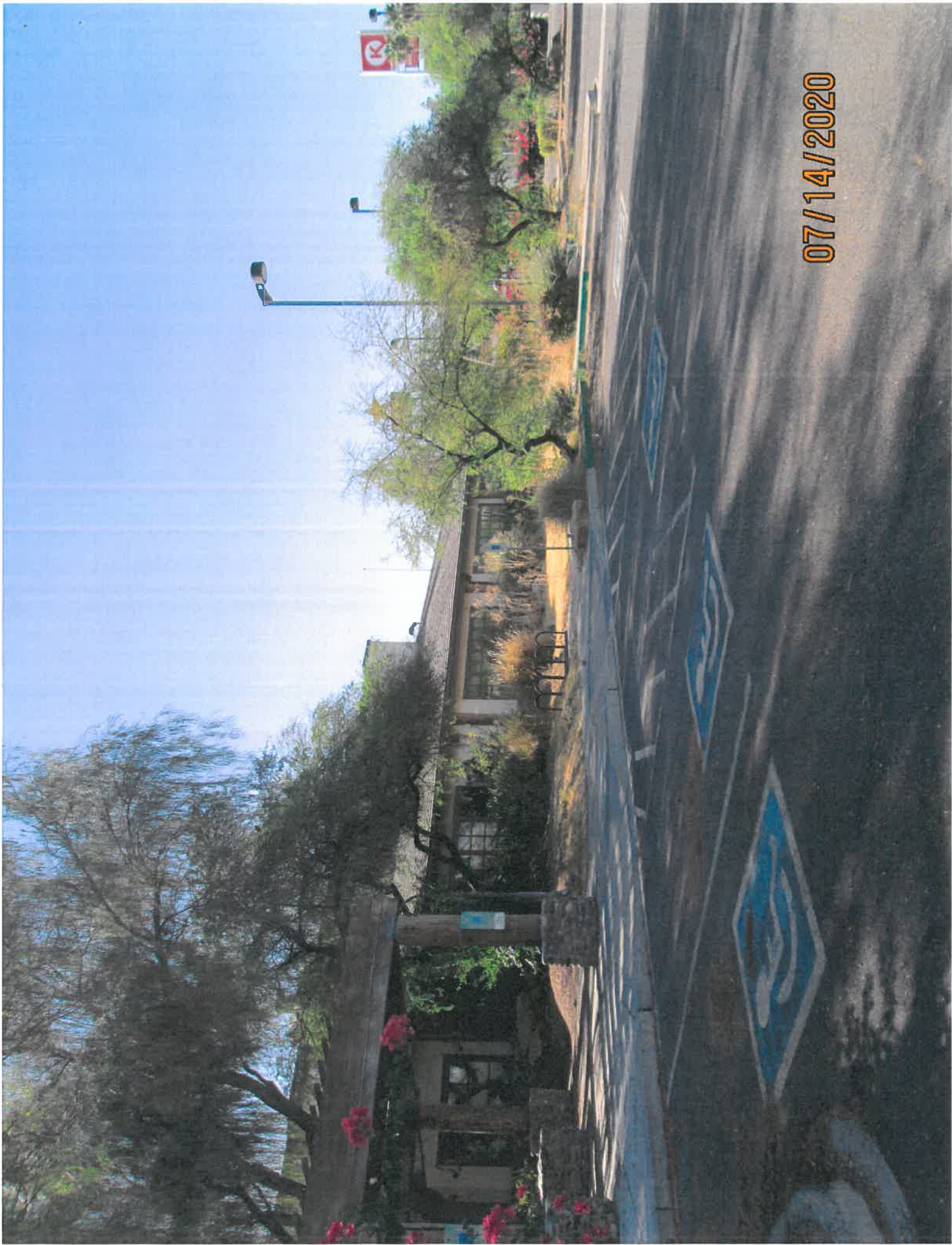
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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

03/09/2020

CAPTEC NET LEASE REALTY INC / GEORGE R BEACH
P.O. BOX 22845
OKLAHOMA CITY, OK 73123

Case #: CM200444
Site Address: 1530 W BASELINE RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/09/2020 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
ZDC 4-102. E.1.	Site not maintained in accordance with approved plans
ZDC 4-102. E.3.	Illegal removal of landscape, lighting, walls, screening devices or other features

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3. b.8	REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE PROPERTY. GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	4/8/2020
ZDC 4-102. E.1.	MAINTAIN SITE IN CONFORMANCE WITH PLANS APPROVED BY THE CITY OR SUBMIT A NEW LANDSCAPE PLAN TO THE CITY OF TEMPE COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW AND APPROVAL.	4/8/2020
ZDC 4-102. E.3.	REMOVE AND REPLACE MISSING/DEAD PLANTS AND TREES WITH LIKE OR SIMILAR SPECIES. REPLACEMENT TREE TRUNKS MUST BE AT LEAST 1 ½ INCH CALIPER IN SIZE AND DOUBLE STAKED IN 24-INCH BOX.	4/8/2020

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

Sammy Baptiste
Code Inspector

Direct: 480-350-5463
Code Compliance: 480-350-8372
Email: Samuel_Baptiste@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**

4/27/20

CAPTEC NET LEASE REALTY INC
PO BOX 22845
OKLAHOMA CITY, OK 73123

Case#: CM200444
Site Address: 1530 W BASELINE RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/18/2020

This is a notice to inform you that this site was inspected on 4/27/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Violation of City of Tempe Code 21-3-B-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:

1. **CUT OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY**
2. **REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE ENTIRE PROPERTY.**
3. **REMOVE TRASH AND DEBRIS FROM ENTIRE PROPERTY**

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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**

4/27/20

CAPTEC NET LEASE REALTY INC
450 S ORANGE AVE STE 900
ORLANDO, FL 32801

Case#: CM200444
Site Address: 1530 W BASELINE RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/18/2020

This is a notice to inform you that this site was inspected on 4/27/20 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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Violation of Tempe Zoning and Development Code 4-102.E.1

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Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Violation of City of Tempe Code 21-3-B-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:

- 1. CUT OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY**
- 2. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE ENTIRE PROPERTY.**
- 3. REMOVE TRASH AND DEBRIS FROM ENTIRE PROPERTY**

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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**

4/27/20

**CLAIM JUMPER
1530 W BASELINE RD
TEMPE, AZ 85282**

Case#: CM200444

Site Address: 1530 W BASELINE RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/18/2020

This is a notice to inform you that this site was inspected on 4/27/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Violation of City of Tempe Code 21-3-B-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:

- 1. CUT OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY**
- 2. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE ENTIRE PROPERTY.**
- 3. REMOVE TRASH AND DEBRIS FROM ENTIRE PROPERTY**

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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
FINAL CORRECTION NOTICE**

5/18/20

CAPTEC NET LEASE REALTY INC
450 S ORANGE AVE STE 900
ORLANDO, FL 32801

Case#: CM200444
Site Address: 1530 W BASELINE RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 06/1/2020

This is a notice to inform you that this site was inspected on 5/18/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Violation of City of Tempe Code 21-3-B-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.

Violation of City of Tempe Code 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. CUT OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY
2. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE ENTIRE PROPERTY.
3. REMOVE TRASH AND DEBRIS FROM ENTIRE PROPERTY

CORRECTIVE ACTION MUST BE COMPLETED OR A CITATION WILL BE ISSUED.

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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
FINAL CORRECTION NOTICE**

5/18/20

CAPTEC NET LEASE REALTY INC
PO BOX 22845
OKLAHOMA CITY, OK 73123

Case#: CM200444
Site Address: 1530 W BASELINE RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 06/1/2020

This is a notice to inform you that this site was inspected on 5/18/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Violation of City of Tempe Code 21-3-B-1

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1701928		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material					
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number CM200444					
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language																	
Defendant		Name (First, Middle, Last) Captec Net Lease Realty Inc										Juvenile					
Residence Address, City, State, Zip Code PO Box 22845 Oklahoma City, OK 73123										Telephone: (cell phone) <input type="checkbox"/>							
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address									
Business Address, City, State, Zip Code										Business Phone No. ()							
Vehicle		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 06	Day 08	Year 2020	Time 0930	<input type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
At	Location 1530 W Baseline Rd								<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona		Area	Dist.	

The Defendant Committed the Following:

A	Section: 7CC-21-3 A	ARS CC	Violation: 21-3.B.1 Trash covered areas	<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	Section: 7CC-21-3 A	ARS CC	Violation: 21-3.B.8 Deteriorated Landscape	<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					
C	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					
D	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					
E	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					

You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 06/29/2020	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	<input type="checkbox"/> Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Court Address, City, State, Zip Code				

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.	
X	Complainant <i>[Signature]</i>	70003 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 **A = \$200.00**
B = \$200.00
Total = \$400.00

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.



1701928

Case No: 20-013149-4 **Title:** CITY OF TEMPE vs CAPTAC NET LEASE REALTY INC

CAPTAC NET LEASE REALTY INC
 PO BOX 22845
 OKLAHOMA CITY, OK 73123

Case Status: Active **Case Balance Owning:** TPC Due Date:
Filed: 6/10/2020 **Stayed Balance Owning:** TPC Amount Due:

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1701928A	21-3B1	06/08/2020	LITTER OR DEBRIS-COVERED EXTERIOR A	6/10/2020	-	
1701928B	21-3B8	06/08/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTROL	6/10/2020	-	

Citations: 2

REGISTER OF ACTION

Date	Cite Number	Action	Amount	Judge	User
6/10/2020		ATTC FILED			MEW
6/10/2020	1701928 A	CIVIL ARRAIGNMENT NLT 6/29/2020			MEW
6/10/2020	1701928 B	CIVIL ARRAIGNMENT NLT 6/29/2020			MEW
6/10/2020	1701928 B	A - \$200 B - \$200			MEW
6/10/2020		B - \$200			MEW
6/30/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/29/2020			SYS
6/30/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/29/2020			SYS

Actions: 7