
**CITY OF TEMPE
HEARING OFFICER**

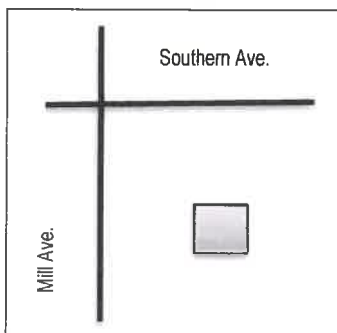
**Meeting Date: 10/19/2021
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Toliver Property located at 4120 S. La Corta Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$411 for abatement request: front yard and right-of-way landscape cleanup.

RECOMMENDATION: Staff – Approval of abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the TOLIVER 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 CE212776: front yard and right-of-way landscape cleanup.



Property Owner	Dwayne Toliver
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Hector Heredia

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 Toliver Property located at 4120 S. La Corta Drive, in the R1-6, Single Family Residential district. This case was initiated 5/3/2021, 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 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

Project Submittal Application

City of Tempe
 Community Development Department
 31 E. 5th Street, Garden Level, Tempe, AZ 85281
 (480) 350-4311 Fax: (480) 350-8677
 Planning Fax: (480) 350-8872
www.tempe.gov



Project Information - Required

Project Name: Dwayne Toliver Property Abatement.. CE2R716

Project Address: 4120 S La Carta Dr Suite No.:

Proposed Use of Building/Suite: Existing Zoning: R1-6

Legal Description: Attached NU-Vista 8 Parcel No.: 133.53.121

Description of Work/Request: Hearing Officer Date: 10/19/21

Valuation (for building plan review only):

Applicant Information - Required

Company or Firm Name: City of Tempe: Code Compliance Telephone 1: () 480350 Ext: 5462

Applicant's Name: Hector Heredia: Inspector Telephone 2: () Ext: _____

Applicant's Street Address: 21 E 6th St Ste: 208 Fax: ()

City: Tempe State: AZ Zip: 85281 Email Address(es): _____

Applicant Signature: Hector Heredia Date: _____

For City Use Only

Planning	Fees	Building	Engineering	Submitted Materials:
<input type="checkbox"/> Recordation		<input type="checkbox"/> New Building	<input type="checkbox"/> Engineering	_____ Building _____ Fire
<input type="checkbox"/> SPR		<input type="checkbox"/> Com Add/Alt	<input type="checkbox"/> Revision	_____ Planning _____ Signs
<input type="checkbox"/> PL Dev Plan Review		<input type="checkbox"/> TI	Tracking Nos.:	_____ Engineering
<input type="checkbox"/> Sign Permit		<input type="checkbox"/> MF	DS _____	
<input type="checkbox"/> Use Permit		<input type="checkbox"/> NRes	BP _____	<input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Soils Report
<input type="checkbox"/> Variance		<input type="checkbox"/> Res Remodel/Add	RA _____	<input type="checkbox"/> Structural Calcs <input type="checkbox"/> Report
<input type="checkbox"/> General Plan Amend		<input type="checkbox"/> Pool	FR _____	<input type="checkbox"/> Truss Calcs <input type="checkbox"/> Materials
<input type="checkbox"/> Zoning Amend		<input type="checkbox"/> Demo	RAF _____	<input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Color Board
<input type="checkbox"/> Zoning Verification Letter		<input type="checkbox"/> Grading Only	EN _____	<input type="checkbox"/> Parking Analysis <input type="checkbox"/> Haz Mat Form
<input type="checkbox"/> Subdivision/Condo		<input type="checkbox"/> Phased Constr	RAE _____	<input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Other: _____
<input type="checkbox"/> PAD Overlay		<input type="checkbox"/> Phased Constr w/UG MEP	PL _____	Total Valuation:
<input type="checkbox"/> Legal Posting Signs		<input type="checkbox"/> Structural Frame	SPR _____	Total Submittal Fees:
<input type="checkbox"/> Administrative Decision		<input type="checkbox"/> MEP Only	SGN _____	Validation:
<input checked="" type="checkbox"/> Abatement		<input type="checkbox"/> Mobile Home	GO _____	Date Stamp:
<input type="checkbox"/> Shared Parking		<input type="checkbox"/> Factory Built Bldg	GOB _____	
<input type="checkbox"/> CCR Review		<input type="checkbox"/> Deferred submittal	SE _____	
<input type="checkbox"/> Continuance		<input type="checkbox"/> Revision	ZP _____	
<input type="checkbox"/> Appeal		<input type="checkbox"/> New Standard	MCA Code:	
<input type="checkbox"/> Other _____		<input type="checkbox"/> Permits based on Standard #	File With:	
Fire		<input type="checkbox"/> Suiting	Received By:	
<input type="checkbox"/> Tanks		<input type="checkbox"/> Other _____		
<input type="checkbox"/> AFES (O/H)				
<input type="checkbox"/> Spray Paint Booth				
<input type="checkbox"/> Special Extinguishing				
<input type="checkbox"/> Fire Alarm				
<input type="checkbox"/> Kitchen Hood System				
<input type="checkbox"/> Rack Storage				
<input type="checkbox"/> Hazmat				
<input type="checkbox"/> Other _____				

DATE: 09/13/2021

SUBJECT: DWAYNE TOLIVER : PROPERTY ABATEMENT

LOCATION: 4120 S LA CORTA DR TEMPE AZ 85282

LEGAL: Book 133, Map 53, Parcel 121, as recorded with the Maricopa County Assessor

OWNER: DWAYNE TOLIVER
4120 S LA CORTA DR
TEMPE AZ 85282

FINDINGS:

05/03/2021: We received an anonymous complaint regarding a deteriorated landscape with over height grass and weeds growing through the front yard gravel. This was verified and a first notice was issued.

05/17/2021: At the second inspection no corrective action had taken place and a final notice was issued.

06/01/2021: I received information that the property owner was found deceased back on May 1st, 2021, from the anonymous resident that initiated the case.

06/21/2021: The abatement process was initiated but due to landscaping scheduling issues that process was delayed.

09/13/2021: The abatement packet was turned in for the October 19th, 2021 Hearing Officer.

RECOMMENDATIONS:

The owner of this property DWAYNE TOLIVER has made no attempt to bring the property into compliance. 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,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN: Subm.t

NAME 

DATE: 9/16/21



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

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/13/2021

TO: DWAYNE TOLIVER
4120 S LA CORTA DR
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 133, Map 53, Parcel 121, as recorded with the Maricopa County Assessor.

LOCATION: 4120 S LA CORTA DR, TEMPE AZ 85282

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 10.19.2021. 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:

VIOLATIONS:

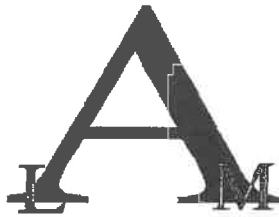
CC 21-3.b.8 - Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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 \$411.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

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

Code Enforcement Officer: Hector Heredia

Phone Number 480-350-5462



Artistic Land Management, Inc.

August 25, 2021

City of Tempe
Attn: Hector Heredia
Code Inspector II

RE: Clean-Up at 4120 S. La Corta Dr.

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 4120 S. La Corta Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Clean-up deteriorated landscape in front yard gravel and right-of-way areas

Total = \$411.00

Respectfully,

Jose Hernandez







COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/03/2021

TOLIVER DWAYNE
4120 S LA CORTA DR
TEMPE, AZ 85282

Case #: CE212776
Site Address: 4120 S LA CORTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/03/2021 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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Make sure to address and maintain city right of way areas that you are responsible for. Please make sure that all growth is always eliminated from the graveled area. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	5/17/2021

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email: Hector_Heredia@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

05/17/2021

TOLIVER DWAYNE
4120 S LA CORTA DR
TEMPE, AZ 85282

Case #: CE212776
Site Address: 4120 S LA CORTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/17/2021 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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Make sure to address and maintain city right of way areas that you are responsible for. Please make sure that all growth is always eliminated from the graveled area. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.</p> <p>This is the final attempt to reach you regarding the above noted. This issue must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violation in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.</p>	06/01/2021

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

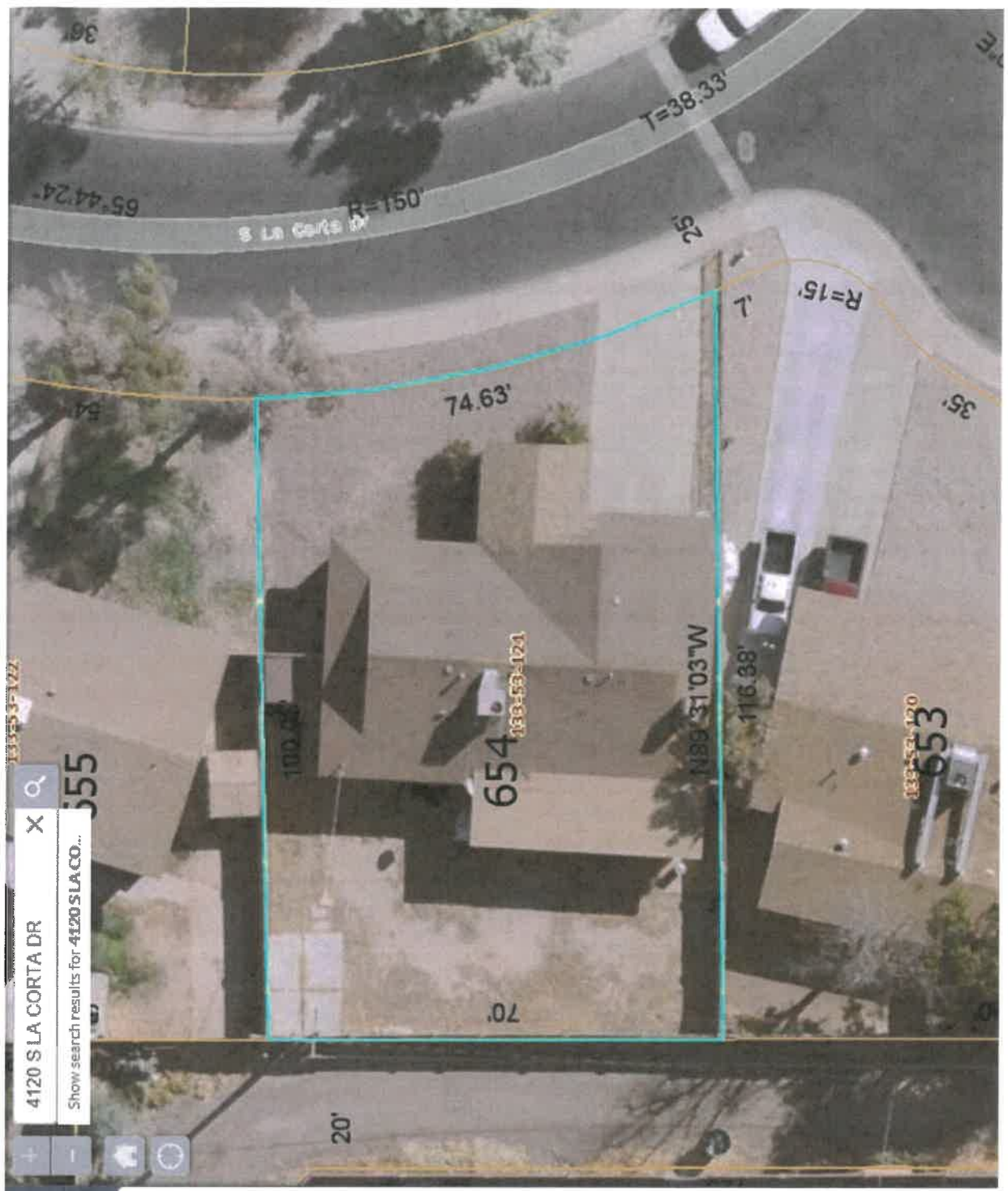
Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-4311
Email:Hector_Heredia@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.



4120 S LA CORTA DR X
 Show search results for 4120 S LA CO...

Feature Information
 (1 of 1) Clear ?

133-53-121

Owner Information
 Owner Name: TOLIVER D'WAYNE
 Property Address: 4120 S LA CORTA DR TEMPE 85282
 Mailing Address: 4120 S LA CORTA DR TEMPE AZ 85282
 Deed Number: 100822253
 Sale Date: 09/1/2010
 Sale Price: \$130,000

Property Information
 Lot/Land: 33.584952, -111.833442
 S/T/R: 34 1N 4E
 Jurisdiction: TEMPE
 Zoning: R1-6
 PLAC: 0131
 Lot Size (sq ft): 7,409
 MCR #: 98-17
 Subdivision: NU-VISTA 8
 Lot #: 654
 Floor: 1
 Construction Year: 1952
 Living Space (sq ft): 1,913

Valuation Information

Tax Year:	2021
FCV:	\$279,800
LPV:	\$138,783
Legal Class:	3.1

Zoom to

Home, Measure, Location, Save, Share