

Consideration of Waiving Fees and/or Penalties

Code Enforcement Staff Report

Case # 122343

2230 W. Bonanza Rd.

Las Vegas, Nevada 89121 (Ward 5)

Requestor: David Shapiro

Property Currently Owned by: Shapiro family trust / Barney family trust

Property Owner Time at Case: Bart Maybe

Request:

The applicant, David Shapiro has requested a waiver and/or reduction of fees that have been assessed for out-of-pocket costs and daily civil penalties for 2230 W. Bonanza Rd.

The current property owner is: Shapiro family trust / Barney family trust

Background Information:

This case originated from a citizen complaint concerning vagrants on site and the property being a mess. On November 21, 2012, the Code Enforcement verified this commercial property was open and accessible with trash, debris and graffiti throughout the grounds and building. Officer called the owner of record at the time, Bart Maybe. Mr. Maybe was advised of the violations and of the impending notice. A correction notice was mailed to the owner of record as listed with Clark County Assessor; Mr. Maybe at 4500 Wynn Rd. Las Vegas, Nevada.

A re-inspection revealed half of the trash and debris was removed from the site, but the building remained open and accessible. Code Enforcement issued a Notice and Order to Bart Maybe by certified and regular mail. Mr. Maybe was contacted by the officer, the owner asked for more time to abate the violations because of a death in the family, an extension was granted. Upon re-inspection Code Enforcement verified property remained in non-compliance. Staff attempted to contact Mr. Maybe to find out the status of bringing the property into full compliance. On February 19, 2013, Code Enforcement proceeded with contractor abatement to remove all refuse, waste, graffiti and open doors and windows secured by boarding.

Code Enforcement was contacted by Mr. Shapiro the day after the abatement was completed and advised that he had taken the property in foreclosure action. Code Enforcement had performed several searches of the Clark County Recorders and found no foreclosure information recorded on the property.

Staff Recommendation:

Staff recommends denial of this recommendation.

Attachment A



City of Las Vegas
Department of Building and Safety
Code Enforcement Division
333 N. Rancho Dr.- 2nd Floor -
Las Vegas, Nevada 89106

1st CORRECTION NOTICE

Case # 122343

Location: 2230 W BONANZA RD

LVMC 9.04.010 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

LVMC 9.04.010 "Responsible party" means any tenant occupant, lessor, lessee, manager, licensee or other person having control over a structure or parcel of land in the City.

I have this day inspected this property and have found the following violation(s) of the City of Las Vegas Municipal Code(s):

9.04.010 (4) REFUSE & WASTE

LVMC 9.04.010 (4) Any refuse, waste, litter or other material, regardless of its market value, which, by reason of its location or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties, has a detrimental effect upon adjacent property values, or would hamper or interfere with the containment of fire upon the premises. Examples include, without limitation, decaying or non-decaying solid and semi-solid wastes, whether or not combustible, such as old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles, waste paper, bedsprings, mattresses, discarded furniture and appliances, bedding and material cleaned from animal or fowl pens, automobile parts, scrap paving material, and piles of earth mixed with other waste material which may harbor insect or rodent infestations or may become a fire hazard.

Location	Comments
Entire property	Remove all refuse and waste from all areas of property. Maintain at all times. Remove all trash/debris and keep maintained

9.04.010 (7)(C) GRAFFITI

LVMC 9.04.010 (7) Any other act or condition, other than those permitted by NRS 40.140 and 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values. Such nuisances include without limitation the following:

(c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for more than twenty-four hours;

Location	Comments
Entire property	Remove all graffiti from property and maintain free of graffiti at all times. Remove any and all graffiti and keep maintained

Property must be in compliance with the LVMC before the re-inspection date of **December 01, 2012**.

If after this date, the property is not brought into compliance, criminal and civil prosecution may be sought concurrently in accordance with L.V.M.C. 9.04.030. The penalty for such criminal violation(s), upon conviction, is a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six (6) months, or any combination of such fine and imprisonment. Furthermore, each day that a violation continues to exist constitutes a separate offense.

Any repeat violation within next 12 months will be subject to immediate fee of \$120.

Fees and Civil Penalties assessed today: \$0.00

Total Fees and Civil Penalties assessed to date: \$0.00

If you require an extension of time or if you have any questions, please call officer at (702)229-4919 before the next re-inspection date or fees may be assessed.

30, LUJAN JR.

Officer

11/21/2012

Date

12/1/2012

Reinspection Date

Additional Comments: N/A



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Department of Building and Safety
Code Enforcement Division
333 N. Rancho Dr.- 2nd Floor -
Las Vegas, Nevada 89106

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Location	Comments
Entire property	Remove all refuse and waste from all areas of property. Maintain at all times. Remove all trash/debris and keep maintained

9.04.010 (7)(C) GRAFFITI

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(c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for more than twenty-four hours;

Location	Comments
Entire property	Remove all graffiti from property and maintain free of graffiti at all times. Remove any and all graffiti and keep maintained

Property must be in compliance with the LVMC before the re-inspection date of **December 05, 2012**.

If after this date, the property is not brought into compliance, criminal and civil prosecution may be sought concurrently in accordance with L.V.M.C. 9.04.030. The penalty for such criminal violation(s), upon conviction, is a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six (6) months, or any combination of such fine and imprisonment. Furthermore, each day that a violation continues to exist constitutes a separate offense.

Any repeat violation within next 12 months will be subject to immediate fee of \$120.

Fees and Civil Penalties assessed today: \$0.00

Total Fees and Civil Penalties assessed to date: \$0.00

If you require an extension of time or if you have any questions, please call officer at (702)229-4919 before the next re-inspection date or fees may be assessed.

30, LUJAN JR.

Officer

12/5/2012

Date

Reinspection Date

Additional Comments: N/A

Attachment B



BUILDING AND SAFETY DEPARTMENT
DIRECTOR
CHRIS KNIGHT

NOTICE AND ORDER

Inst #: 201303050002228

Fees: \$20.00

N/C Fee: \$0.00

03/05/2013 03:09:40 PM

Receipt #: 1521590

Requestor:

LAS VEGAS CITY (PLANNING)

Recorded By: SUO Pgs: 4

DEBBIE CONWAY

CLARK COUNTY RECORDER

APN: 139-29-704-024

Date: January 29, 2013

Case # 122343

Certified/Regular Mail

Return Receipt Requested

MAYBIE BART

4500 WYNN RD

LAS VEGAS NV 89103-5312

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 2230 W BONANZA RD., Las Vegas, NV, Parcel #(s) 139-29-704-024, that you are in violation of Las Vegas Municipal Code, Title 9 Nuisance, and Title 16 Building code, dealing with nuisance and building violations.

The following violations have been verified:

16.08.010 UDB SEC 302 (17)

LVMC 16.08.010 Uniform Dangerous Building Code
Section 302 - Dangerous Building

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence, or as specified in Chapter 9.04 of the Las Vegas Municipal Code, or as amended from time to time.

Case #	Violation Location	Violation Comments
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122343	main structure and trash enclosure	secure any and all open accessible doors and windows
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16.08.010 UDB SEC 403

LVMC 16.08.010 Uniform Dangerous Building Code

LAS VEGAS CITY COUNCIL

MAYOR CAROLYN G. GOODMAN

MAYOR PRO TEM STAVROS S. ANTHONY • LOIS TARKANIAN • STEVEN D. ROSS

RICKI Y. BARLOW • BOB COFFIN • BOB BEERS

CITY MANAGER ELIZABETH N. FRETWELL

Return to: CITY OF LAS VEGAS • 495 S. MAIN STREET • LAS VEGAS, NEVADA 89101

VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

2230 W BONANZA RD.

Case # 122343

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Section 403 - Repair, Vacation and Demolition

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation and demolition of any dangerous building or structure:

1. Any buildings declared a dangerous building under this code shall be made to comply with one of the following:

1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

1.2 The building shall be demolished at the option of the building owner; or

1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

3. If any building is vacated in order for repairs to be made in compliance with an order issued under this Code, a certificate of occupancy must be obtained upon completion of the repairs before reoccupancy will be permitted.

Case #	Violation Location	Violation Comments
122343	main structure and trash enclosure	secure any and all open accessible doors and windows

9.04.010 (4) REFUSE & WASTE

LVMC 9.04.010 (4) Any refuse, waste, litter or other material, regardless of its market value, which, by reason of its location or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties, has a detrimental effect upon adjacent property values, or would hamper or interfere with the containment of fire upon the premises. Examples include, without limitation, decaying or non-decaying solid and semi-solid wastes, whether or not combustible, such as old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles, waste paper, bedsprings, mattresses, discarded furniture and appliances, bedding and material cleaned from animal or fowl pens, automobile parts, scrap paving material, and piles of earth mixed with other waste material which may harbor insect or rodent infestations or may become a fire hazard.

Case #	Violation Location	Violation Comments
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2230 W BONANZA RD.

Case # 122343

Page 3

122343	Entire property	Remove all refuse and waste from all areas of property to include roof. Maintain at all times. Remove all trash/debris and keep maintained
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9.04.010 (7)(C) GRAFFITI

LVMC 9.04.010 (7) Any other act or condition, other than those permitted by NRS 40.140 and 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values. Such nuisances include without limitation the following:

(c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for more than twenty-four hours;

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122343	Entire property	Remove all graffiti from property and maintain free of graffiti at all times. Remove any and all graffiti and keep maintained

Post: No Trespassing (per NRS 207.200), No Dumping (per NRS 444.630), No Vehicles (per LVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer 30 at (702)229-4919 to supply your current phone number, email address, fax number, or additional mailing address.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully

2230 W BONANZA RD.

Case # 122343

Page 4

omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$750.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$750 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Code Enforcement, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

It is recommended that you contact the Department of Building and Safety, Code Enforcement Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

Michael W. Bouse

Michael W. Bouse, Manager
Code Enforcement Division
Department of Building and Safety

Enclosures: City of Las Vegas General Conditions of Abatement

Attachment C

of LAS VEGAS

SAFETY
CEMENT DIVISION
RANCHO DR.

NEVADA 89106

e #122343 #30

CERTIFIED MAIL™



7012 1640 0000 6240 0650

UNITED STATES POSTAGE
FOREVER
02 1M
0004279218
\$ 06.08³
JAN 30 2013
MAILED FROM ZIP CODE 89101

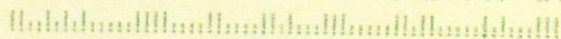
MAYBIE BART
4500 WYNN RD
LAS VEGAS, NV 89103-5312

NIXIE 891 FE 1 00 02/01/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

RC: 89106370302 *0194-03137-01-47

7 122343 063



CITY of LAS VEGAS

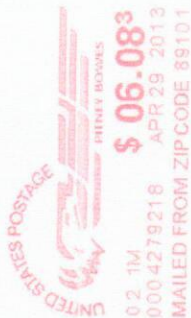
BUILDING & SAFETY
CODE ENFORCEMENT DIVISION
333 NORTH RANCHO DR
2ND FLOOR
LAS VEGAS, NEVADA 89106

2230 W Bonanza Road/Case #122343/Ld

CERTIFIED MAIL™



7012 1640 0000 6236 7203



N/A

Shapiro Family Trust
Barney Family Trust
8019 Echo NIXIE
Las Vegas,

891 DE 1 00 05/20/13

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 8910637030Z *0294-02450-20-44

8910637030Z



Attachment D

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 15, 2013

DEPARTMENT: BUILDING AND SAFETY**DIRECTOR: CHRIS KNIGHT**☐ Consent ☒ Discussion**SUBJECT:**

Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 2230 West Bonanza Road for fees in the amount of \$2,023 (General Fund) and assess a maximum of \$29,250 in daily civil penalties for a total of \$31,273. PROPERTY OWNER: SHAPIRO FAMILY TRUST 30% BARNEY FAMILY TRUST 70% - Ward 5 (Barlow)

Fiscal Impact☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$2,023**Funding Source:** General Fund**Dept./Division:** Building and Safety/Code Enforcement**PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Building and Safety hired Construction Group International to board all open doors and windows, remove all trash and debris to include the roof, graffiti, high weeds and grass, and apply herbicide. To date, there have been nine (9) inspections conducted at this location. The estimated value of the property based on Clark County Assessor's taxable value is \$347,974.

RECOMMENDATION:

That the City Council: Approve the report of expenses to include \$1,300 invoice for Construction Group International, \$195 administrative fee, and \$528 in reinspection fees (including late fees) for a total of \$2,023 to be recorded immediately, and assess a maximum of \$29,250 in daily civil penalties to be recorded on or after February 10, 2014.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Information Report
3. Location Maps
4. Report of Expenses
5. Contractor Disclosure
6. Notice of Public Hearing
7. Chronological List of Events
8. Copy of the Notice and Claim of Liens
9. Submitted at Meeting – Site Photos by Staff and Documentation by Rex Henriott

CITY COUNCIL MEETING OF: MAY 15, 2013

Motion made by RICKI Y. BARLOW to Approve the assessment of \$2,023 in expense costs plus \$29,250 in civil penalties for a total assessment of \$31,273

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, BOB BEERS; (Against-STEVEN D. ROSS); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

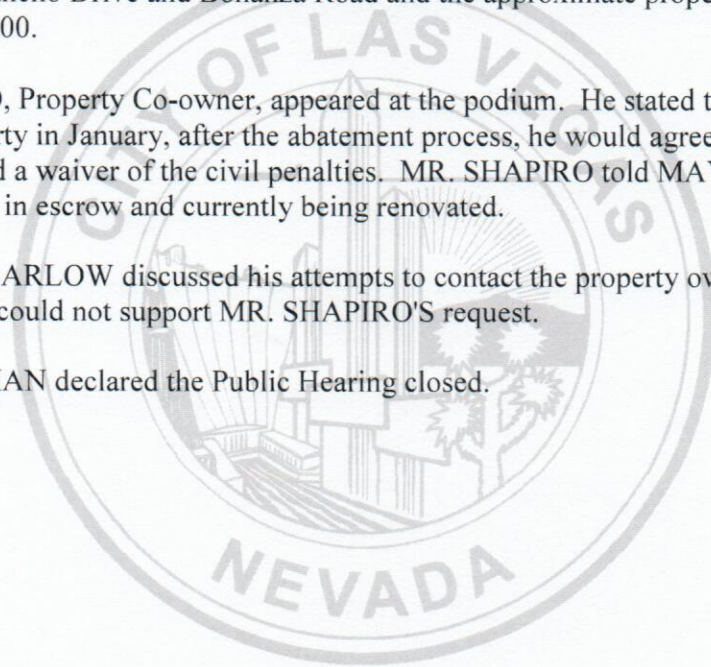
MAYOR GOODMAN declared the Public Hearing open.

While VICKI OZUNA, Code Enforcement Supervisor, reviewed the purpose and background of the item, photos of the property were shown on overhead monitors. The major cross streets near the property are Rancho Drive and Bonanza Road and the approximate property value according to Zillow is \$150,000.

DAVID SHAPIRO, Property Co-owner, appeared at the podium. He stated that although he acquired the property in January, after the abatement process, he would agree to pay the expense costs, but requested a waiver of the civil penalties. MR. SHAPIRO told MAYOR GOODMAN that the property is in escrow and currently being renovated.

COUNCILMAN BARLOW discussed his attempts to contact the property owners and announced that he could not support MR. SHAPIRO'S request.

MAYOR GOODMAN declared the Public Hearing closed.



Attachment E

2230 W. Bonanza Rd. Current Status



05/13/2013

2230 W. Bonanza Rd. Current Status



2230 W. Bonanza Rd. Current Status



05/13/2013

2230 W. Bonanza Rd. Current Status



2230 W. Bonanza Rd. Current Status



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT



2230 W. Bonanza Rd.

PRE-ABATEMENT



POST ABATEMENT

