

CITY CLERK OFFICE

2022 MAY 24 P 12: 41

CITY OF MONTEREY PARK

CITY OF MONTEREY PARK
ATTN: CITY CLERK OFFICE
320 W. NEWMARK AVE.
MONTEREY PARK, CA 91754

Batch Number: 13403823

Document Count: 1

This page is part of your document - DO NOT DISCARD



20220532255



Pages:
0020

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

05/17/22 AT 09:35AM

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
<hr/>	
PAID:	0.00



LEADSHEET



202205172930011

00022337150



013403823

SEQ:
01

DAR - Mail (Intake)



THIS FORM IS NOT TO BE DUPLICATED

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Monterey Park
Attn: City Clerk
320 W. Newmark Ave.
Monterey Park, CA 91754

22337150



No fee per Government Code § 27383

NOTICE OF NUISANCE ABATEMENT LIEN

NOTICE IS HEREBY GIVEN that, pursuant to Government Code § 38773.1 and Monterey Park Municipal Code § 4.30.150, the City of Monterey Park ("City") seeks to impose a nuisance abatement lien against the real property ("Property") described below for the City's unreimbursed costs incurred in abating a public nuisance under a duly issued judicial abatement warrant. The Monterey Park City Council ordered the imposition of a nuisance abatement lien through its adoption of Resolution No. 2022-R27 on May 4, 2022 (attached as Exhibit "A"). Pursuant to a settlement agreement by and among the City the People of California, and the owner of the Property in the civil litigation captioned, *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (LASC Case No. BC605788), the Property owner agreed to waive its notice and hearing rights in § 7 of the first amendment to such settlement agreement, which is on file with the City Clerk.

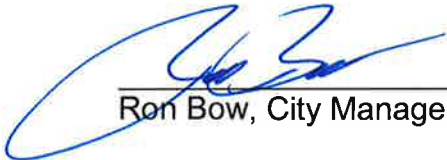
Recordation of this notice of nuisance abatement lien against the Property is made pursuant to Government Code § 38773.1(c) and Monterey Park Municipal Code § 4.30.150(c). Once recorded, this notice will constitute a lien against the Property with the force, effect, and priority of a judgment lien (Gov. Code, § 38773.1, subd. (c)). The City may foreclose on this nuisance abatement lien by a City action for a money judgment. (*Ibid.*)

In accordance with § 38773.1(c)(1), the following apply to the Property and this notice of nuisance abatement lien:

Lien amount	\$1,253,613.46
Agency on whose behalf the lien is imposed	City of Monterey Park
Property assessor's parcel number	5254-002-031
Property legal description	LOT 1 OF TRACT NO. 34875, IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 932, PAGES 16-18 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY
Address associated with Property	No known address associated with the Property pursuant to Los Angeles County property and title records
Property record owner	Center Int'l Investments Inc., a California Corporation
Property owner address	846 East Garvey Avenue, #D, Monterey Park, CA 91755

Signed the 5th day of May 2022.

CITY OF MONTEREY PARK



Ron Bow, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this _____
day of May 5, 2022, by Ron Bow _____

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature _____

A handwritten signature in black ink, appearing to read "Ron Bow", written over a horizontal line.

EXHIBIT "A"
TO NUISANCE ABATEMENT LIEN

CERTIFIED MONTEREY CITY PARK
RESOLUTION NO. 2022-R27

RESOLUTION NO. 2022-R27

A RESOLUTION AUTHORIZING THE RECORDATION OF A NUISANCE ABATEMENT LIEN AGAINST CERTAIN REAL PROPERTY LOCATED IN THE CITY (APN 5254-002-031).

The City Council does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. Center Int'l Investments, Inc. ("CII") is the record owner of the real property described as Los Angeles County assessor's parcel number 5254-002-031 (the "Property"), which is located in the City of Monterey Park (the "City").
- B. Despite years of City efforts to cause CII to remediate the dangerous hillside slope conditions on the Property, CII failed to make the Property safe despite its promise to do so via settlement agreement with the City and the People of the State of California (the "Settlement Agreement") in the civil case captioned *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (filed December 31, 2015) LASC Case No. BC605788.
- C. The Settlement Agreement authorizes the City, on behalf of the People, to enter the Property, without additional CII consent, to remediate the Property's nuisance conditions upon CII's failure to timely develop the Property and abate the nuisance, at CII's sole cost (Settlement Agreement § 2.A.vii, first amendment; § 2.b.5, second amendment).
- D. On June 16, 2021, the City Council adopted Resolution No. 12555 which found and declared that an "emergency exists as to abating the Property which constitutes an imminent threat to public health and safety that requires immediate action" and authorized the City, on behalf of the People of the State of California, to itself abate the nuisance on the Property if CII failed to "commence substantial progress" towards abatement of the hillside by August 1, 2021.
- E. After CII's failure to abate, on August 25, 2021, the City Manager served CII with written Notice of Breach and Opportunity to Cure regarding its failure to commence substantial progress towards fulfillment of the Property nuisance.
- F. On October 13, 2021, the City Manager served CII with written Notice of Default of the Settlement Agreement which detailed a list of CII's failures to live up to its obligations under the entire Settlement Agreement—including, without limitation—the remediation of the Property nuisance and informed

CII of the People's intention to itself remediate the hillside nuisance on the Property.

- G. Despite the ability of the People to effectuate the hillside abatement under the Settlement Agreement, due to CII's representatives confronting City consultants on the Property, the City Attorney also obtained an abatement warrant on November 17, 2021 to further enable the People's remediation of the dangerous hillside nuisance conditions on the Property. Such abatement warrant, which expired on March 31, 2022, specifically enabled the People's implementation of winterization safety measures to protect the Property, especially the hillside, from harmful winter weather conditions.
- H. On February 16, 2022, the City Attorney informed CII's representative that the People's efforts to abate the public nuisance through the City's actions would be billed to CII on a quarterly basis. A true and correct copy of that correspondence is attached as Exhibit "A," and incorporated by reference.
- I. Subsequently, and due to CII's failure to reimburse the City for its hillside nuisance remediation costs on the Property as required under the Settlement Agreement, Management Services Director Martha Garcia sent an April 1, 2022 correspondence demanding CII's payment of \$1,253,613.46 to the City, in abatement costs, to which CII has not responded. A true and correct copy of that correspondence is attached as Exhibit "B," and incorporated by reference.
- J. Pursuant to Monterey Park Municipal Code ("MPMC") § 4.30.150 and Government Code § 38773.1, the City may recover its nuisance abatement costs by recording a lien against a subject property.
- K. The City Council seeks to approve the recordation of a lien against the Property by authorizing the City's recordation of the Notice of Nuisance Abatement ("Notice") attached as Exhibit "C" and incorporated by reference.
- L. CII agreed to waive its notice and hearing rights in § 7 of the first amendment to the Settlement Agreement

SECTION 2: Approval; Direction.

- A. The City Council approves the Notice and finds that it is true and correct.
- B. The City Council directs the City Clerk to submit the Notice with the Los Angeles County Recorder for recordation, pursuant to Government Code § 38773.1(c) and MPPC § 4.30.150(c).

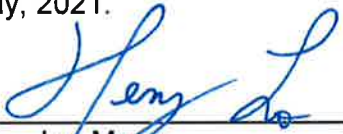
SECTION 3: Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end, the provisions of this Resolution are severable.

SECTION 4: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

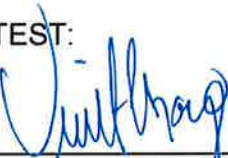
SECTION 5: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 6: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 4th day of May, 2021.


Henry Lo, Mayor

ATTEST:


Vincent D. Chang, City Clerk

APPROVED AS TO FORM:


Joaquin Vazquez, Deputy City Attorney

Attachments:


- Exhibit A: February 16, 2022 City Attorney correspondence to CII representative
- Exhibit B: April 1, 2022 Demand letter for City nuisance abatement costs
- Exhibit C: Notice of Nuisance Abatement Lien

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2022-R27 was duly adopted and passed at a regular meeting of the Monterey Park City Council on the 4th day of May, 2022 by the following vote:

Ayes:	Council Members: Yiu, Chan, Liang, Lo
Noes:	Council Members: None
Abstain:	Council Members: None
Absent:	Council Members: None

Dated this 4th day of May, 2022.



Vincent D. Chang, City Clerk
Monterey Park, California

EXHIBIT "A"
FEBRUARY 16, 2022 CITY ATTORNEY
CORRESPONDENCE TO CII REPRESENTATIVE

BURBANK OFFICE
2600 W. OLIVE AVENUE
SUITE 500
BURBANK, CA 91505



SAN DIEGO OFFICE
3850 LA JOLLA VILLAGE DRIVE
LA JOLLA, CA 92037

Writer's Direct Contact:
Burbank Office
tcampen@hensleylawgroup.com
818.333.5120

February 16, 2022

VIA ELECTRONIC MAIL

Whitney Hodges, Esq.
Sheppard, Mullin, Richter & Hampton
501 West Broadway 19th Floor
San Diego, CA 92101
Email: WHodges@sheppardmullin.com

Re: Notice of Abatement and Costs for Abatement of public nuisance located at
1688 West Garvey Avenue and related costs, and stabilization plan options.

Dear Ms. Hodges:

As you know, following notice in October 2021, the City of Monterey Park ("City"), on behalf of the People of the State of California, commenced abatement of the public nuisance present on real property owned by Center Int'l Investments, Inc. ("CII") located at 1688 W. Garvey Ave. Such action is taken pursuant to the 2017 Settlement Agreement (and its amendments) resulting from the City Attorney's civil suit against CII on file with the Los Angeles Superior Court (Case No. BC605788). While not required pursuant to CII's voluntary waivers under the Settlement Agreement, the City also obtained an abatement warrant issued on November 17, 2021, to secure the property against winter weather.

As to the permanent abatement, construction, design, and engineering firms were retained by the City. Grubbing and clearing of the site began this week; grading is anticipated to begin in 2-3 weeks. The goal is to have all work completed by the end of 2022.

The City's ability to recoup all costs associated with the nuisance abated is clear under both the Settlement Agreement and applicable law. Failure to voluntarily pay such costs will result in the City imposing a property lien or special assessment on the subject property to recoup its costs. Additionally, the City may foreclose on the recorded Performance Deeds of Trust described in the Settlement Agreement.

February 16, 2022

Page 2

Be advised, that the City intends to pursue these abatement costs on a quarterly basis in accordance with applicable law. You can expect formal notification of abatement costs to be provided upon conclusion of the first quarter of this year ending March 31, 2022, and after each quarter thereafter until the project is completed and all the City's costs are recovered.

For your client's budgeting purposes, it is estimated that this project will cost between \$8-14 million, which is anticipated to be roughly divided between four to five quarterly instalments. More accurate estimates may be available as construction progresses.

Be further advised, that the City intends to design and construct permanent hillside stabilization measures in the most cost-effective manner practicable. This will result in remediation that fully protects the health, safety and property of the public. Such abatement measures, however, may not support your client's proposed development of 16 upscale homes without additional, separate, geotechnical improvements.

The City may consider implementing the hillside stabilization plans your client previously proposed as part of "Plan A" to accommodate the full development if CII provides a bond or funds in an escrow account in the amount of \$15,000,000 to guarantee the City recoups all costs.¹ With grading expected to begin in the next few weeks, please let me know at your earliest convenience if your client would like to take advantage of this opportunity.

The abatement costs are, of course, separate from the outstanding amounts already in arrears and owed by your client related to the City's processing of Plan A. As you know, the City Council approved Plan A in June 2021. CII currently owes approximately \$130,000 associated with that development approval including, without limitation, legal costs associated with defending the City against the writ petition brought in the case captioned Save Our Slopes v. City of Monterey Park, et al. Those legal costs continue to accrue, and are separate from the aforementioned nuisance abatement costs.

Sincerely,



Timothy E. Campen
Assistant City Attorney

cc: Paul Seeley, Esq. (PSeeley@sheppardmullin.com)
Karl H. Berger, City Attorney

¹ Construction and design professionals retained by the City estimate the cost to implement Plan A hillside stabilization to be approximately \$14,000,000.

EXHIBIT "B"
**APRIL 1, 2022 DEMAND LETTER FOR
CITY NUISANCE ABATEMENT COSTS**

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council

Henry Lo
Fred Sornoso
Hans Liang
Peter Chan
Yvonne Yiu

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

April 1, 2022

Center Int'l Investments
501 W. Garvey Ave. #207
Monterey Park, CA 91754
Attn: Karrie On

Re: NOTICE OF ABATEMENT COSTS
Property: 1688 West Garvey

To Whom It May Concern:

This letter is a follow-up to the City of Monterey Park's letter dated February 16, 2022 and Notice of Default dated October 13, 2021 regarding the nuisance abatement action affecting 1688 West Garvey Avenue, Monterey Park, CA (the "Property"). The underlying public nuisance is identified in the civil case captioned *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (filed December 31, 2015) LASC Case No. BC605788.

The nuisance abatement activity, identified as the "Goodviews Abatement Project" or "GAP," is being undertaken in accordance with the Settlement Agreement, as amended, executed by Center Int'l Investments, Inc. ("CII").

Per the February 16, 2022 letter, abatement costs associated with the GAP will be recovered on a quarterly basis from CII. This is the first Notice for the time period between August 31, 2021 and March 31, 2022.

Attached to this Notice are the City's abatement costs that were incurred by the City relating to the enforcement action against the Property. These abatement costs are imposed pursuant to Monterey Park Municipal Code ("MPMC") Chapter 4.30. Please remit payment to the City within **30 days** from the date of this letter.

This is a demand for payment in the amount of \$1,253,613.46. Payment must be made not later than April 29, 2022. Failure to pay by that date will cause the City to charge interest at the statutory rate on the outstanding amount. Additionally, the City will take action to collect its abatement costs in any manner allowed by law, including collection by special assessment or nuisance abatement lien (see MPMC § 4.30.150)

Be advised that CII waived all due process rights in this matter including, without limitation, appeals rights set forth in Monterey Park Municipal Code (“MPMC”) § 4.30.140. CII, therefore, waived any right to contest the notice of abatement costs. Consequently, this interim notice of abatement costs is final and binding for the time period stated above. This is not the total cost of the GAP; the City continues to incur costs on a daily basis.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martha Garcia', with a large, stylized flourish extending to the right.

Martha Garcia
Management Services Director

C: Ron Bow, City Manager
Karl H. Berger, City Attorney
Alfred Fraijo Jr., Esq. @
Sheppard Mullin Richter & Hampton, LLP
333 South Hope Street, CA Los Angeles 90071

EXHIBIT "C"
NOTICE OF NUISANCE ABATEMENT LIEN

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Monterey Park
Attn: City Clerk
320 W. Newmark Ave.
Monterey Park, CA 91754

No fee per Government Code § 27383

NOTICE OF NUISANCE ABATEMENT LIEN

NOTICE IS HEREBY GIVEN that, pursuant to Government Code § 38773.1 and Monterey Park Municipal Code § 4.30.150, the City of Monterey Park ("City") seeks to impose a nuisance abatement lien against the real property ("Property") described below for the City's unreimbursed costs incurred in abating a public nuisance under a duly issued judicial abatement warrant. The Monterey Park City Council ordered the imposition of a nuisance abatement lien through its adoption of Resolution No. XXX on May 4, 2022 (attached as Exhibit "A"). Pursuant to a settlement agreement by and among the City the People of California, and the owner of the Property in the civil litigation captioned, *The People of the State of California, ex rel., Mark D. Hensley, City Attorney for the City of Monterey Park v. Center Int'l Investments, Inc., et al.* (LASC Case No. BC605788), the Property owner agreed to waive its notice and hearing rights in § 7 of the first amendment to such settlement agreement, which is on file with the City Clerk.

Recordation of this notice of nuisance abatement lien against the Property is made pursuant to Government Code § 38773.1(c) and Monterey Park Municipal Code § 4.30.150(c). Once recorded, this notice will constitute a lien against the Property with the force, effect, and priority of a judgment lien (Gov. Code, § 38773.1, subd. (c)). The City may foreclose on this nuisance abatement lien by a City action for a money judgment. (*ibid.*)

In accordance with § 38773.1(c)(1), the following apply to the Property and this notice of nuisance abatement lien:

Lien amount	\$1,253,613.46
Agency on whose behalf the lien is imposed	City of Monterey Park
Property assessor's parcel number	5254-002-031
Property legal description	LOT 1 OF TRACT NO. 34875, IN THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 932, PAGES 16-18 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY
Address associated with Property	No known address associated with the Property pursuant to Los Angeles County property and title records
Property record owner	Center Int'l Investments Inc., a California Corporation
Property owner address	846 East Garvey Avenue, #D, Monterey Park, CA 91755

Signed the __day of May 2022.

CITY OF MONTEREY PARK

Ron Bow, City Manager

(NOTARIZED SIGNATURE REQUIRED)

EXHIBIT "A"
TO NUISANCE ABATEMENT LIEN

**CERTIFIED MONTEREY CITY PARK
RESOLUTION NO. XX**