

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

Batch Number: 13999347
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Pages:
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04/05/23 AT 08:10AM

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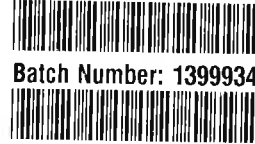


THIS FORM IS NOT TO BE DUPLICATED

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

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

23325839



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.2023-R17 on March 15, 2023 (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	\$2,012,197.41
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 21st day of March 2022.

CITY OF MONTEREY PARK



Ron Bow, City Manager

(NOTARIZED SIGNATURE REQUIRED)

EXHIBIT "A"
TO NUISANCE ABATEMENT LIEN

CERTIFIED MONTEREY CITY PARK
RESOLUTION NO. 2023-R17

RESOLUTION NO. 2023-R17

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 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, and more commonly known 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.* that was 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. Pursuant to Resolution Nos. (collectively, the "Emergency Resolutions") 12255 (adopted June 16, 2021), Resolution No. 2022-R22 (adopted April 20, 2022), 2022-R34 (adopted May 18, 2022), Resolution No. 2022-R63 (adopted August 1, 2022), Resolution No. 2022-R101 (adopted December 21, 2022), and by minute order on March 1, 2023 the City is exercising emergency powers to abate a public nuisance on the Property in accordance with the Settlement Agreement in the civil case referenced in paragraph B, above. This abatement is identified as the Goodviews Abatement Project ("GAP").
- E. Due to CII's ongoing failure to reimburse the City for costs incurred as a result of the GAP, as required under the Settlement Agreement, Management Services Director Martha Garcia sent correspondence dated

January 31, 2023, demanding CII's payment of \$2,012,197.41 for the time period between October 1, 2022, and December 31, 2022, establishing a total of \$10,321,660.21 in GAP costs owed to the City by CII. A true and correct copy of that correspondence is attached as Exhibit "A," and incorporated by reference.

- F. 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.
- G. The City Council approves the recordation of a lien against the Property through the Notice of Nuisance Abatement ("Notice") attached as Exhibit "B," and incorporated by reference. After recording this lien, the liens against the Property will total \$10,321,660.21.
- H. 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 15th day of March, 2023.



Jose Sanchez, Mayor

ATTEST:



Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, City Attorney



Justin A. Tamayo, Deputy City Attorney

Attachments:


- Exhibit A: January 31, 2023, Demand letter for City GAP costs
- Exhibit B: Notice of Nuisance Abatement Lien

State of California)
County of Los Angeles) §
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2023-R17 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 15th day of March, 2023 by the following vote:

Ayes:	Council Members: Lo, Yiu, Ngo, Wong, Sanchez
Nays:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 15th day of March, 2023.



Maychelle Yee, City Clerk
City of Monterey Park, California

EXHIBIT "A"
JANUARY 31, 2023 DEMAND LETTER FOR
CITY GAP COSTS

CITY OF MONTEREY PARK

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



City Council
Henry Lo
Vinh Ngo
Jose Sanchez
Thomas Wong
Yvonne Yiu

City Clerk
Maychelle Yee

City Treasurer
Amy Lee

January 31, 2023

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

Re: NOTICE OF ABATEMENT COSTS
Property: Lot 1 of Tract No. 34875 (APN 5254-002-031)

To Whom It May Concern:

This letter is a follow-up to the City of Monterey Park's letters dated February 16, 2022, April 1, 2022, July 1, 2022, and September 30, 2022, regarding the nuisance abatement action affecting 1688 West Garvey Avenue, Monterey Park, CA (Lot 1 of Tract No. 34875—APN 5254-002-031) (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.* that was 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 fourth Notice for the time period between October 1, 2022 and December 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 \$2,012,197.41. This is in addition to the previously demanded \$8,355,236.16 which remains unpaid and is accruing interest at 10-percent per annum. Payment must be made not later than March 02, 2023. Failure to pay by that date will cause the City to charge interest at the statutory rate on this outstanding amount

GAP Invoice
January 31, 2023
Page 2

(along with the unpaid 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,



Martha Garcia
Finance Director

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

Agent for Service of Process:
Willis Do
1648 Puente Avenue
Baldwin Park, CA 91706

Process/ Invoice Date	Reference	Project#	Invoice#	CR & CK#	Payments/		Balance
					Amount	Reversal	
11/15/22	Burke, Williams & Sorensen	64004	293014	CK110592	(3,230.00)	(3,230.00)	(3,230.00)
11/15/22	Burke, Williams & Sorensen	64004	291551	CK110691	(3,022.50)	(3,022.50)	(6,252.50)
11/30/22	Burke, Williams & Sorensen	64004	3581	CK110637	(579,163.51)	(579,163.51)	(585,416.01)
09/30/22	C.A. Rasmussen Inc.	64004	3494	CK109860	(633,001.53)	(633,001.53)	(1,218,417.54)
10/31/22	C.A. Rasmussen Inc.	64004	3543	CK110322	(339,683.44)	(339,683.44)	(1,558,100.98)
12/30/22	City Expenses - Finance				(523.56)	(523.56)	(1,558,624.54)
11/02/22	City Expenses - Legal Fees	64004	11048	CK110363	(1,645.00)	(1,645.00)	(1,560,269.54)
11/02/22	City Expenses - Legal Fees	64004	11048	CK110363	(11,760.00)	(11,760.00)	(1,572,029.54)
11/02/22	City Expenses - Legal Fees	64004	11048	CK110363	(2,660.00)	(2,660.00)	(1,574,689.54)
11/02/22	City Expenses - Legal Fees	64004	11048	CK110363	(7,560.00)	(7,560.00)	(1,582,249.54)
11/02/22	City Expenses - Legal Fees	64004	11048	CK110363	(2,520.00)	(2,520.00)	(1,584,769.54)
12/01/22	City Expenses - Legal Fees	64004	11061	CK110475	(2,930.84)	(2,930.84)	(1,587,700.38)
12/01/22	City Expenses - Legal Fees	64004	11061	CK110475	(173.50)	(173.50)	(1,587,873.88)
12/01/22	City Expenses - Legal Fees	64004	11061	CK110475	(70.00)	(70.00)	(1,587,943.88)
12/01/22	City Expenses - Legal Fees	64004	11061	CK110475	(1,440.00)	(1,440.00)	(1,589,383.88)
12/01/22	City Expenses - Legal Fees	64004		Pending	(665.00)	(665.00)	(1,590,048.88)
12/30/22	City Expenses - Legal Fees	64004		Pending	(10,721.50)	(10,721.50)	(1,600,770.38)
12/30/22	City Expenses - Legal Fees	64004		Pending	(175.00)	(175.00)	(1,600,945.38)
12/30/22	City Expenses - Legal Fees	64004		Pending	(1,960.00)	(1,960.00)	(1,602,905.38)
12/30/22	City Expenses - Legal Fees	64004		Pending	(1,890.00)	(1,890.00)	(1,604,795.38)
12/02/22	Development Review / Phoenix Civil Engineer	73008	22280	CK110602	(3,062.50)	(3,062.50)	(1,607,857.88)
10/20/22	Development Review / Phoenix Civil Engineer	73008	22253	CK110832	(2,695.00)	(2,695.00)	(1,610,552.88)
11/30/22	Development Review / Phoenix Civil Engineer	73008	22321	CK110832	(2,450.00)	(2,450.00)	(1,613,002.88)
10/17/22	Geosyntec Consultants, Inc.	64004	21488437	CK109896	(3,316.40)	(3,316.40)	(1,616,319.28)
10/17/22	Geosyntec Consultants, Inc.	64004	21488436	CK109896	(86,538.04)	(86,538.04)	(1,702,857.32)
11/15/22	Geosyntec Consultants, Inc.	64004	21491536	CK110360	(63,692.20)	(63,692.20)	(1,766,549.52)
11/15/22	Geosyntec Consultants, Inc.	64004	21491537	CK110360	(3,112.22)	(3,112.22)	(1,769,661.74)
12/16/22	Geosyntec Consultants, Inc.	64004	21495391	CK110679	(5,634.84)	(5,634.84)	(1,775,296.58)
12/16/22	Geosyntec Consultants, Inc.	64004	21495390	CK110679	(59,078.40)	(59,078.40)	(1,834,374.98)
09/30/22	KCM Group	64004	12037	CK109909	(44,774.43)	(44,774.43)	(1,879,149.41)
10/31/22	KCM Group	64004	12079	CK110373	(57,176.86)	(57,176.86)	(1,936,326.27)
11/30/22	KCM Group	64004	12100	CK110690	(57,981.59)	(57,981.59)	(1,994,307.86)
11/15/22	S.B.S Trust Deed Network	64004	2022-1945	Pending	(17,889.55)	(17,889.55)	(2,012,197.41)
Balance Due					(2,012,197.41)	(2,012,197.41)	

EXHIBIT "B"
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

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

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Agency on whose behalf the lien is imposed	City of Monterey Park
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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 March 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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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)
On 3/21/23 before me, D. Vera, Notary,
Date Here Insert Name and Title of the Officer
personally appeared Ronald Dai Chun Bow
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____