



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 19, 2009

ITEM NO:

SUBJECT: EMERGENCY ABATEMENT ACTION AT 2256 ORANGE AVENUE (APN 426-073-28)

DATE: MAY 15, 2009

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: KHANH NGUYEN, BUILDING OFFICIAL
KIMBERLY BRANDT, ACTING DEV. SVS. DIRECTOR

FOR FURTHER INFORMATION CONTACT: KHANH NGUYEN (714) 754-5277

RECOMMENDATION:

Waive administrative hearing on the reasons for the emergency abatement action performed by the City of Costa Mesa at 2256 Orange Avenue in accordance with Municipal Code.

BACKGROUND/ANALYSIS:

The project site is located on the east side of Orange Avenue, between Albert Place and Cecil Place. It is located adjacent to 2258 Orange Avenue which the City Council declared a public nuisance on January 6, 2009 (Resolution No. 09-5). On January 20, 2009, Council directed staff to proceed with the nuisance abatement proceedings (Resolution 09-7). Since the property owner denied City access to the property, it was necessary to obtain a court warrant to enter the property. The Orange County Superior Court issued the warrant on May 6, 2009.

The posted date and time to begin the abatement proceedings was 8:30 a.m. on May 13, 2009. Prior to 8:30 a.m., the property owner of record relocated vehicles, construction materials, and debris from 2258 Orange Avenue to 2256 Orange Avenue. **See Exhibit 1.** The Building Official declared the resultant conditions at 2256 Orange Avenue a violation of the City's municipal codes and a significant and immediate threat to the public health, safety, and welfare and proceeded with an emergency abatement action.

Exhibit 2 shows the property after the completion of the abatement.

Subsequent to the emergency abatement action, the Municipal Code requires the City Council to hold an administrative hearing to make a determination of the reasons for the abatement, unless the hearing is waived in writing by the parties subject to the abatement action.

The property owner, Peak Capital Group, LLC, submitted a letter dated May 14, 2009 (see **Attachment 1**) to waive the administrative hearing on the reasons for the emergency abatement.

LEGAL REVIEW:

Legal review is not required.


KHANH NGUYEN, CBO
Building Official


KIMBERLY BRANDT, AICP
Acting Dev. Svs. Director

Attachment: May 14, 2009 Letter from Peak Capital Group, LCC

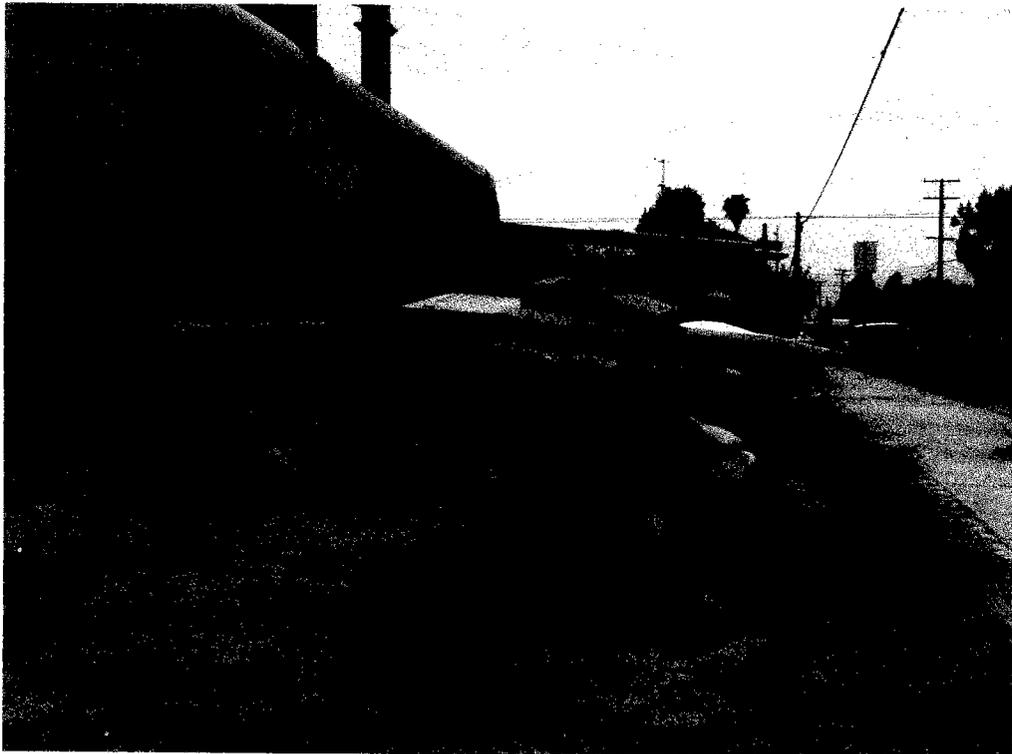
Distribution: City Manager
Assistant City Manager
City Attorney
Finance Director
Police Chief
Principal Planner
City Clerk (2)
Staff (4)
File (2)

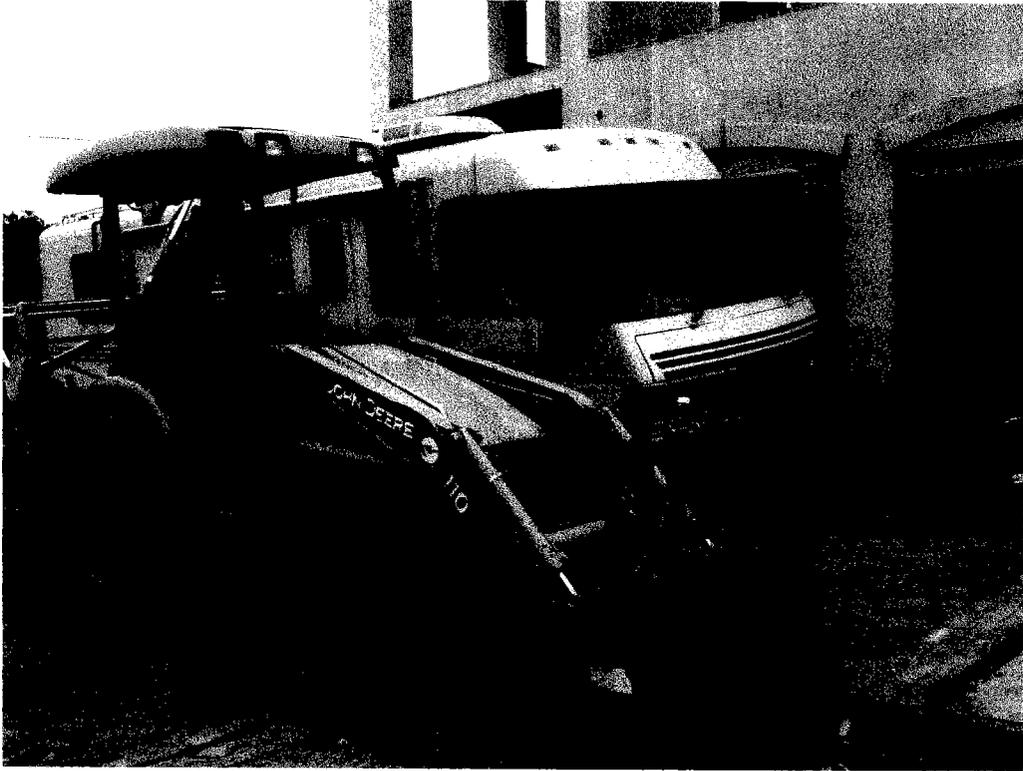
Jeff Simon
Bridgelock Capital
22837 Ventura Blvd, Ste. 300
Woodland Hills, CA 91364

File: 0519092256OrangeAveWaive	Date: 051509	Time: 12:45 p.m.
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EXHIBIT 1

2256 ORANGE AVENUE (PRE-ABATEMENT)





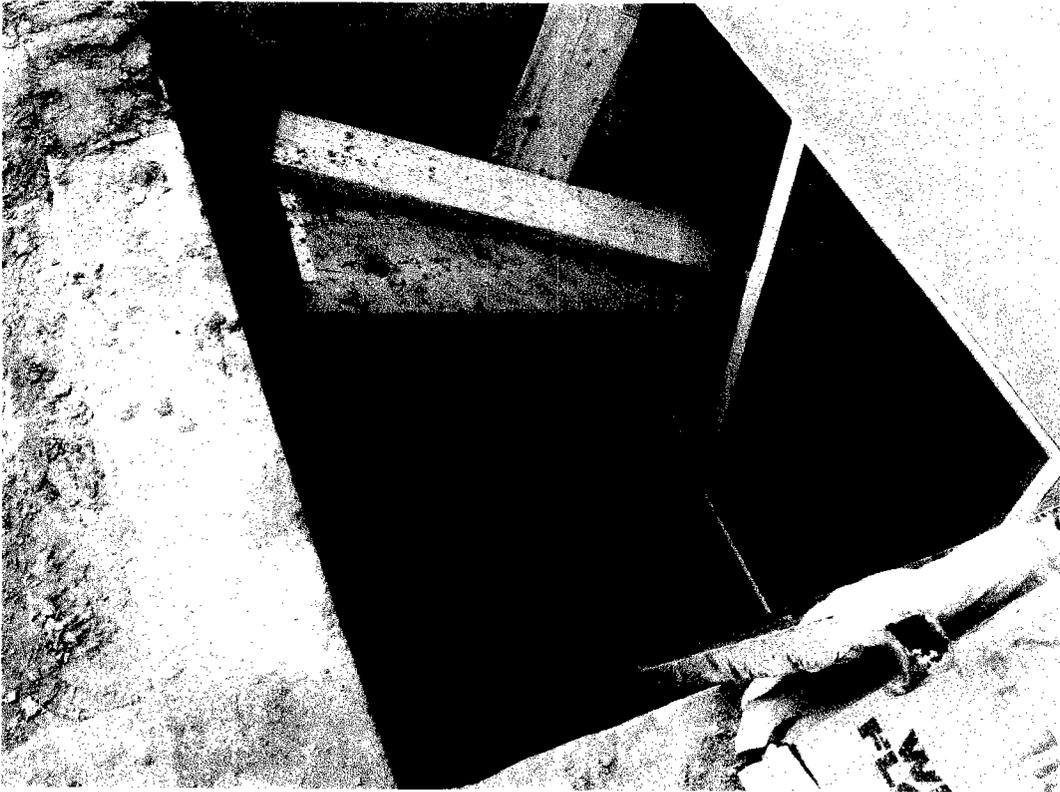
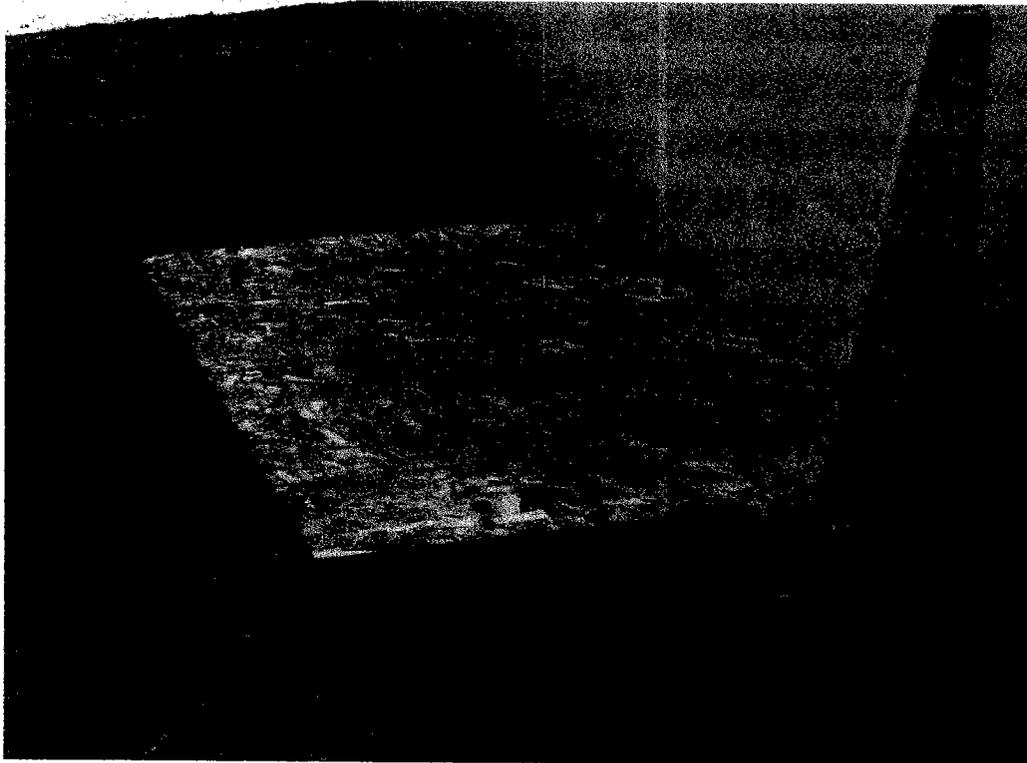
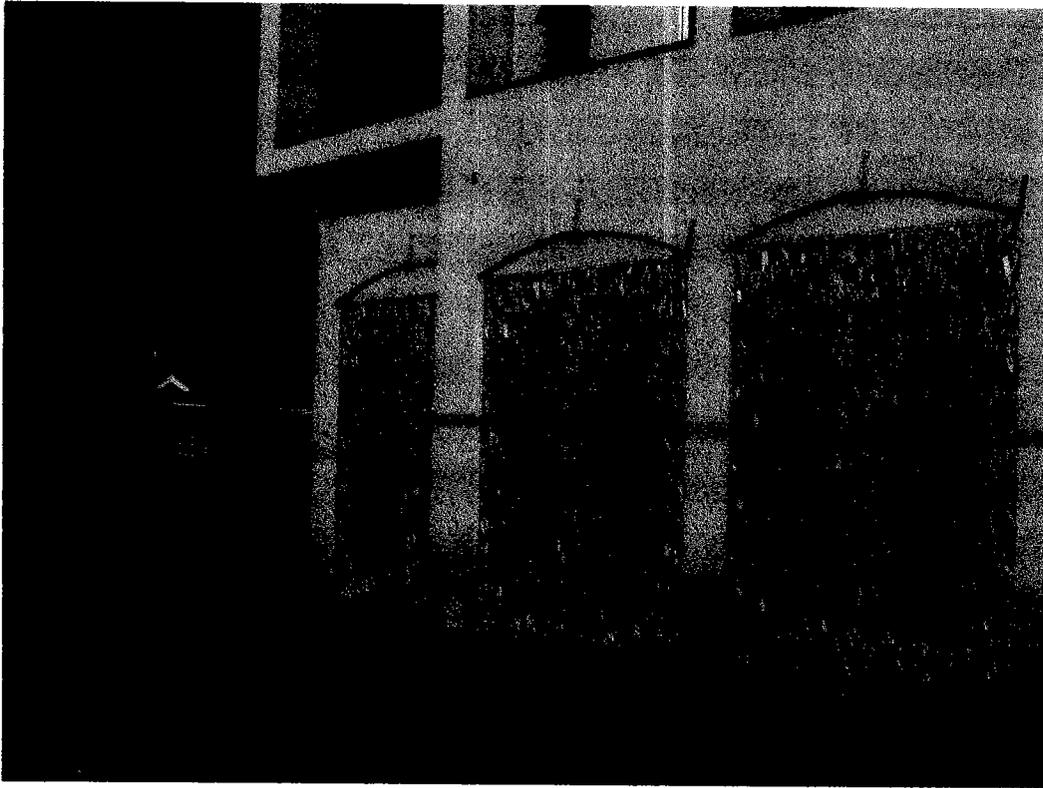


EXHIBIT 2

2256 ORANGE AVENUE (POST ABATEMENT)





May 14, 2009

Khanh Nguyen
Building Official
City of Costa Mesa
PO Box 1200
Costa Mesa, CA 92628-1200
Fax 714-754-4982

**RE: CITY OF COSTA MESA CITY COUNCIL HEARING REGARDING
EMERGENCY ABATEMENT ACTION AT 2256 ORANGE AVENUE (APN 426-073-
28**

Mr. Nguyen:

I represent the new owner of said property as of May 13, 2009 (see attached documents)
and would like to waive said hearing scheduled for Tuesday, May 19, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Simon", is written over the word "Sincerely".

Jeff Simon
Peak Capital Group, LLC

Attachments: May 13, 2009 Letter from AFS
May 14, 2009 Email and attachment from AFS

Peak Financial Plaza
22837 Ventura Blvd., Ste 300
Woodland Hills, CA 91364
Tel: 818-591-3300 Fax: 818-591-2990

11/17/2009 10:01:17 AM 11/0017001

AFS Asset Foreclosure Services, Inc.

22837 Ventura Boulevard, Suite 350
Woodland Hills, California 91364
(818) 591-9237 - Fax (818) 591-9599

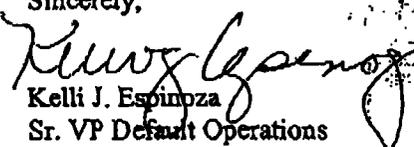
May 13, 2009

Property: 2256 and 2258 Orange Avenue, Costa Mesa, CA 92627
Borrower: Keeler, Michael P.
AFS# 09-4252
Loan# 8560705412

Our office completed the foreclosure sale on the above referenced property today, 5/13/09. The property reverted back to the lender Peak Capital Group, Inc. We are in the process of preparing the Trustee's Deed Upon Sale to vest title to the property in the name of Peak Capital Group. We should have a copy of the Trustee's Deed available on 5/14/09 and will be forwarding it for recording.

Please feel free to contact me if you have any questions or if you need any additional information.

Sincerely,


Kelli J. Espinoza
Sr. VP Default Operations

NGUYEN, KHANH

From: Kelli Espinoza [kelli@assetforeclosure.com]
Sent: Thursday, May 14, 2009 10:55 AM
To: NGUYEN, KHANH
Subject: 2256 and 2258 Orange Avenue, Costa Mesa, CA - AFS#09-4252 - Keeler
Attachments: SKMBT_60109051408000.pdf

Good Morning –

As per our conversation, attached please find a copy of the Trustee's Deed for the above referenced property. This document will be sent for recording today.

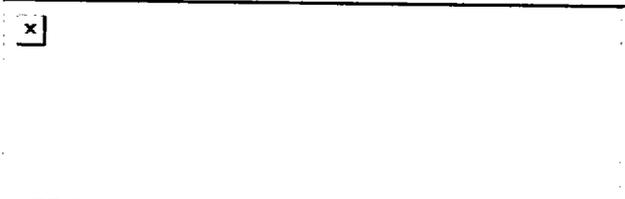
Please feel free to contact me if you need any additional information.

Thanks!

Sincerely,

Kelli J. Espinoza

Sr. Vice President Default Operations



22837 Ventura Blvd., Suite 350
Woodland Hills, CA 91364
Phone: (877) AFS-7878 ext. 1053
Fax: (818) 591-9599

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RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

BRIDGELock CAPITAL
22837 VENTURA BOULEVARD, SUITE 228
WOODLAND HILLS, CA 91364

Mail Tax Statements To:
SAME AS ABOVE

Trustee Sale No. CA-BC-094252

TRUSTEE'S DEED

The undersigned grantor declares:

1. The Grantee herein Was the foreclosing beneficiary.
2. The amount of the unpaid debt together with costs was \$781,330.37.
3. The amount paid by the Grantee at the Trustee's Sale was \$781,330.37.
4. The documentary transfer tax is \$0.00.

ASSET FORECLOSURE SERVICES, INC., a California corporation, as the duly appointed Trustee under the Deed of Trust hereinafter described (herein called TRUSTEE), hereby grants and conveys, but without warranty, express or implied, to:

PEAK CAPITAL GROUP, LLC

Herein called GRANTEE, all of its right, title and interest in and to that certain property situate in the City of COSTA MESA, County of ORANGE, State of CALIFORNIA, described as follows:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

TAX PARCEL NO: 426-073-28 & 426-073-27

This conveyance is made pursuant to the powers conferred upon TRUSTEE by that certain Deed of Trust executed by MICHAEL P. KEELER JR, AN UNMARRIED MAN, as Trustors recorded 12/18/2007, as Instrument No. 2007000737892, of Official Records in the office of the Recorder of ORANGE County, State of CALIFORNIA, and after fulfillment of the conditions as specified in said Deed of Trust authorizing this conveyance. Default occurred as set forth in a Notice of Default and Election to Sell which was filed for record in the office of the Recorder of said County, and such default still existed at the time of sale. All requirements of law regarding the mailing of copies of notices and posting and publication of copies of the Notice of Sale have been complied with.

Said property was sold by said Trustee at public auction on May 13, 2009, at the place named in the Notice of Sale, in the County of ORANGE, CALIFORNIA, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefor to said Trustee the amount bid being \$781,330.37, in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

Dated: 5/14/2009

ASSET FORECLOSURE SERVICES, INC.

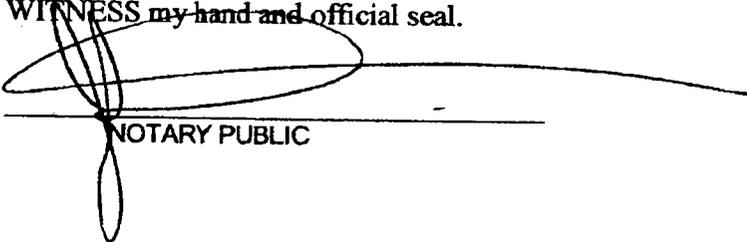
By Norie Vergara
Norie Vergara, Sr. Trustee Sale Officer

STATE OF California)
) ss.
COUNTY OF Los Angeles)

On 5/14/2009, before me Jonny Dahinten, a Notary Public, personally appeared Norie Vergara, 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.



NOTARY PUBLIC

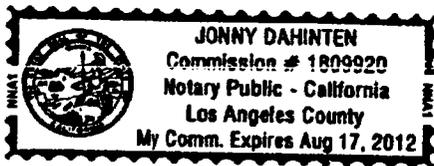


EXHIBIT A

LEGAL DESCRIPTION

REF. NO. CA-BC-094252

THAT PORTION OF LOT 313 OF NEWPORT HEIGHTS, AS SHOWN ON A MAP RECORDED IN BOOK 4 PAGE 3 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS.

PARCEL NO. 3 AS SHOWN ON A MAP FILED IN BOOK 35, PAGE 30 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.