

CITY OF RIVERSIDE

INTEROFFICE MEMO

RECEIVED

MAY 20 1993



TS

Karen E. Lindquist

TO: Karen E. Lindquist
City Clerk

DATE: May 20, 1993

FROM: Barbara Purvis *Barbara*
Assistant City Attorney

13498

SUBJECT: CITY OF RIVERSIDE V. JOHN ARTHUR HAMNER AS TRUSTEE, ETC. ET AL.;
RIVERSIDE SUPERIOR COURT CASE NO. 211702; TYLER STREET/MAGNOLIA
AVENUE WIDENING PROJECT; OUR FILE NO. CA91-1093(3)

Enclosed herewith is the recorded copy of the Final Order of Condemnation for
Parcels 21A-1, 21A-2, and 21C-1 in the above-referenced action in eminent
domain which was just returned to this office. The Final Order was recorded as
Instrument No. 136341 in the Official Records of Riverside County, California,
on April 13, 1993. As the City of Riverside acquired title to the subject property
by this Final Order of Condemnation, please give it a City Deed number and
maintain in your files.

Attachment

cc: Pauline Hedge, Real Property Agent

DP

136341

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

STAN T. YAMAMOTO, City Attorney
BARBARA PURVIS, Assistant City Attorney
City Hall, 3900 Main Street
Riverside, California 92522
Telephone: (909) 782-5567

FILED
RIVERSIDE COUNTY

APR 6 1993

ARTHUR A. SIMS, Clerk
By *A. Degen* A. Degen
Deputy

Attorneys for Plaintiff

EXEMPT PURSUANT TO
GOVT. CODE SEC. 6103

13498

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a municipal corporation,)	
)	
Plaintiff,)	NO. 211702
)	
vs.)	FINAL ORDER OF CONDEMNATION
)	
JOHN ARTHUR HAMNER as Trustee under Declaration of Trust dated September 20, 1969, et al.,)	(Parcels 21A-1, 21A-2 and 21C-1)
)	
Defendants.)	(C.C.P. §1268.030)
)	

Judgment in Condemnation having been entered in the above-entitled matter adjudging that plaintiff CITY OF RIVERSIDE is entitled to take by condemnation the real property or interest therein, described in plaintiff's Complaint on file herein as Parcels 21A-1, 21A-2 and 21C-1 and more fully described hereinafter, pursuant to a Stipulation for Judgment and the filing of a Receipt of Money Paid Pursuant to Stipulation for Judgment; and

It further appearing that pursuant to an Order for Prejudgment Possession, plaintiff CITY OF RIVERSIDE was entitled

DF

1 to possession of Parcels 21A-1, 21A-2 and 21C-1 on September 15,
2 1991;

3 NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that the
4 real property located in the City of Riverside, County of
5 Riverside, State of California, and described as Parcels 21A-1,
6 21A-2 and 21C-1 in the Complaint on file in this action, shall
7 be condemned to plaintiff as follows:

8 (a) The fee simple interest in the property
9 designated as Parcels 21A-1 and 21A-2 in the Complaint on
10 file herein and described in Exhibit A, attached hereto
11 and incorporated herein by this reference, shall be and
12 is condemned to plaintiff for public street and highway
13 purposes, and related and incidental improvements and
14 uses.

15 (b) A temporary construction easement in the
16 property designated as Parcel 21C-1 in the Complaint on
17 file herein and described in Exhibit B, attached hereto
18 and incorporated herein by this reference, shall be and
19 is condemned to plaintiff for a period of time not to
20 exceed nine months after right of possession is vested in
21 plaintiff, or until completion of the improvements for
22 the Tyler Street and Magnolia Avenue Street Widening
23 Project, whichever is sooner.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
25 plaintiff was entitled to take possession of the above-described
26 property on September 15, 1991 pursuant to an Order for
27 Prejudgment Possession issued on May 15, 1991, and in accordance

1 with Section 5082 of the Revenue and Taxation Code, the real
 2 property taxes, assessments, interests and penalties thereon
 3 shall be apportioned as of said date and shall be terminated,
 4 cancelled and extinguished from and after said date as may be
 5 authorized by law.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the
 7 recording of a certified copy of this Final Order of
 8 Condemnation in the Office of the County Recorder of the County
 9 of Riverside, California, the fee simple interest in the real
 10 property designated as Parcels 21A-1 and 21-A-2 and a temporary
 11 construction easement in the real property designated as Parcel
 12 21C-1 for a period of time no greater than nine months after
 13 September 15, 1991, are vested in the plaintiff, CITY OF
 14 RIVERSIDE, and its successors and assigns, and the interests of
 15 the defendants FIRESTONE REAL ESTATE LEASING COMPANY, THE
 16 FIRESTONE TIRE & RUBBER COMPANY (NOW KNOWN AS
 17 BRIDGESTONE/FIRESTONE, INC.) AND CANADIAN IMPERIAL BANK OF
 18 COMMERCE TRUST COMPANY (now known as CANADIAN IMPERIAL BANK OF
 19 COMMERCE (NEW YORK) AND ALL PERSONS UNKNOWN CLAIMING ANY TITLE
 20 OR INTEREST IN OR TO THE PROPERTY is hereby condemned and taken
 21 by said plaintiff.

22 Dated: APR 6 1993

WILLIAM H. SULLIVAN

23 Judge of the Superior Court

24
 25
 26
 27 BP/1973P/jm
 4/1/93

PARCEL 21A-1 (Fee Title)

136341

That portion of Lot 15 in Block 34 of Riverside Land and Irrigating Company as shown by map on file in Book 1 of Maps, at page 70 thereof, Records of San Bernardino County, California, lying within a strip of land 1.50 feet wide, the Southeasterly line described as follows:

Commencing at the centerline intersection of Tyler Street and Magnolia Avenue as shown on Parcel Map by map on file in Book 3 of Parcel Maps, at page 58 thereof, Records of Riverside County, California.

Thence North 56° 00' 00" East along the centerline of said Magnolia Avenue, a distance of 1433.74 feet;

Thence North 34° 00' 00" West, a distance of 66.00 feet to a point on the Southeasterly line of said Lot 15, also being the Northwesterly line of said Magnolia Avenue, also being the point of beginning of said line description;

Thence South 56° 00' 00" West along said line, a distance of 12.79 feet to the termination of said line description.

The Northwesterly line of said strip of land 1.50 feet wide, shall be prolonged as to terminate Southwesterly in the Northeasterly line of Parcel 1 of that certain parcel of land, as conveyed to the City of Riverside by deed recorded March 12, 1971 as Instrument No. 24941, Official Records of Riverside County, California.



DESCRIPTION APPROVAL: 4, 5, 93
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE

FA\WPDATA\MIS\1973P01.BP

EXHIBIT A

7.

PARCEL 21A-2 (Fee Title)

136341

That portion of Lot 15 in Block 34 of Riverside Land and Irrigating Company, as shown by map on file in Book 1 of Maps, at page 70 thereof, Records of San Bernardino County, California, described as follows:

Beginning at the intersection of the Southwesterly line of Megginson Lane with the Northwesterly line of Magnolia Avenue, said intersection being the most Southerly corner of Parcel 2 of that certain parcel of land conveyed to the City of Riverside by deed recorded March 12, 1971 as Instrument No. 24941, Official Records of Riverside County, California;

Thence South $56^{\circ} 00' 00''$ West along the Southeasterly line of said Lot 15, a distance of 33.58 feet to a point of cusp;

Thence Northeasterly on a non-tangent curve concave Northwesterly, having a radius of 42.00 feet through an angle of $53^{\circ} 05' 40''$, an arc length of 38.92 feet (the initial radial line bears South $34^{\circ} 00' 00''$ East) to the Southwesterly line of said Megginson Lane;

Thence South $34^{\circ} 00' 00''$ East along said Southwesterly line, a distance of 16.78 feet to the point of beginning.



DESCRIPTION APPROVAL: 4/5/93
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE

That portion of Lot 15 in Block 34 of Riverside Land and Irrigating Company as shown by map on file in Book 1 of Maps, at page 70 thereof, Records of San Bernardino County, California, described as follows:

Commencing at the centerline intersection of Tyler Street and Magnolia Avenue;

Thence North $56^{\circ} 00' 00''$ East along the centerline of said Magnolia Avenue, a distance of 1420.95 feet;

Thence North $34^{\circ} 00' 00''$ West, a distance of 66.00 feet to the most Easterly corner of Parcel 1 of that certain parcel of land as conveyed to the City of Riverside by deed recorded March 12, 1971 as Instrument No. 24941, Official Records of Riverside County, California, also being a point on the Northwesterly line of said Magnolia Avenue, said point being on the Southeasterly line of said Lot 15, also being the point of beginning of the parcel of land to be described;

Thence North $56^{\circ} 00' 00''$ East along said line, a distance of 84.04 feet;

Thence Northerly and Northwesterly on a curve concave Northwesterly, having a radius of 42.00 feet, through an angle of $53^{\circ} 05' 40''$, an arc length of 38.92 feet to a point on the Southwesterly line of Parcel 2 of said parcel conveyed to the City of Riverside, said point being on the Southwesterly line of Megginson Lane;

Thence North 34° 00' 00" West along said line, a distance of 4.22 feet;

Thence South 56° 00' 00" West, a distance of 74.21 feet;

Thence South 34° 00' 00" East, a distance of 16.00 feet;

Thence South 56° 00' 00" West, a distance of 48.34 feet to a point on the Northeasterly line of said Parcel 1 conveyed to the City of Riverside;

Thence South 78° 37' 37" East, along said line, a distance of 7.03 feet to the point of beginning;

EXCEPTING THEREFROM that portion described as follows:

EXCEPTION A

That portion of said lot 15, lying within a strip of land 1.50 feet wide, the southeasterly line described as follows:

Commencing at the centerline intersection of Tyler Street and Magnolia Avenue as shown on Parcel Map by map on file in Book 3 of Parcel Maps, at page 58 thereof, Records of Riverside County, California.

Thence North 56° 00' 00" East along the centerline of said Magnolia Avenue, a distance of 1433.74 feet;

Thence North 34° 00' 00" West, a distance of 66.00 feet to a point on the Southeasterly line of said Lot 15, also being the Northwesterly line of said Magnolia Avenue, also being the point of beginning of said line description;

Thence South 56° 00' 00" West along said line, a distance of 12.79 feet to the termination of said line description;

136341

The Northwesterly line of said strip of land 1.50 feet side, shall be prolonged as to terminate Southwesterly in the Northeasterly line of Parcel 1 of that certain parcel of land, as conveyed to the City of Riverside by deed recorded March 12, 1971 as Instrument No. 24941, Official Records of Riverside County, California.



DESCRIPTION APPROVAL: 4,593
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE