

DOC # 2006-0612266

08/18/2006 08:00A Fee:NC

Page 1 of 9

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



When Recorded Mail To:

Riverside City Attorney's Office

3900 Main Street

Riverside, CA 92522

Ref: CA #02-2950

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			9						1
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM

1-

500

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
AS TO DEFENDANT JAMES D. MALONE
CASE NO. RIC 391405

C
500

D- 15902

15902

JUN 06 2005

1 GREGORY P. PRIAMOS, City Attorney #136766
2 HERIBERTO F. DIAZ, Deputy City Attorney #132821
3 CITY OF RIVERSIDE
4 City Hall, 3900 Main Street
5 Riverside, California 92522
6 Telephone (951) 826-5567
7 Facsimile (951) 826-5540

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 08 2005



8 Attorneys for Plaintiff, City of Riverside

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF RIVERSIDE

11 CITY OF RIVERSIDE, a municipal)
12 corporation,)
13) Plaintiff,)
14 vs.)
15 SALVADOR VALADEZ, et al.,)
16) Defendants.)

CASE NO.: RIC 391405
**PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION AS TO
DEFENDANT JAMES D. MALONE**
Assessor's Parcel Number: 150-092-001

17 Pursuant to a written Stipulation by and between Plaintiff City of Riverside, by and through
18 Heriberto F. Diaz, Deputy City Attorney, and Defendant James D. Malone (hereinafter "Malone"),
19 by and through his attorney of record Randall S. Stamen, that a Partial Judgment and Final Order
20 of Condemnation as to Assessor's Parcel Number 150-092-001 may be made and entered herein in
21 accordance with the terms and conditions hereof, without further notice to said Defendant.

22 **IT IS HEREBY FOUND AND DETERMINED:**

- 23 1. The interests of Defendant Malone in the real property, designated in the complaint as
24 Assessor's Parcel Number 150-092-001 to be condemned herein are a permanent easement and a
25 temporary construction easement.
26 2. By execution of the Stipulation herein, Defendant waived the right to jury trial,
27 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final

City Attorney's Office
3900 Main Street
Riverside, CA 92522
(951) 826-5567

-1-

**PARTIAL JUDGMENT AND FINAL ORDER OF
CONDEMNATION AS TO DEFENDANT JAMES D. MALONE**



2006-0612266
08/18/2006 08:09A
2 of 9

15902

1 Order of Condemnation as to Assessor's Parcel Number 150-092-001, and the right and time for
2 appeal.

3 3. Defendant Malone expressly waives the right to challenge the City of Riverside's right
4 to acquire the property by eminent domain; the right to further and greater compensation; the right
5 to an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.

6 4. Pursuant to said Stipulation, the total amount of just compensation to be paid by
7 Plaintiff to Defendant Malone is the sum of Twenty-seven Thousand Dollars (\$27,000.00) for
8 Assessor's Parcel Number 150-092-001 . Said sum is inclusive of fair market value and interest
9 thereon, attorneys fees and all costs of suit, including those costs defined in California Code of
10 Civil Procedure §1268.710 and litigation expenses including, but not limited to those defined in
11 California Code of Civil Procedure §1235.140.

12 5. Defendant Malone owns a fee simple absolute interest in and to Assessor's Parcel
13 Number 150-092-001.

14 6. The use for which an interest in and to Assessor's Parcel Number 150-092-001 is being
15 acquired, is a use authorized by law and the acquisition of said interest is necessary to said use.

16 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

17 1. The total compensation, award and damages to be paid as a result of the condemnation
18 of the interests of Defendant Malone in Assessor's Parcel Number 150-092-001 is the total sum of
19 Twenty-seven Thousand Dollars (\$27,000.00).

20 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant to
21 California Code of Civil Procedure §1268.710 and all litigation expenses including, but not
22 limited to, those defined in California Code of Civil Procedure §1235.140. Payment hereunder
23 shall further be deemed to be the total just compensation and damages, if any, to which Defendant
24 Malone shall be entitled by reason of the condemnation of Assessor's Parcel Number 150-092-
25 001.

26 3. The award remaining to be paid herein is the amount of Twenty-seven Thousand
27 Dollars (\$27,000.00) for Assessor's Parcel Number 150-092-001. Said sum shall be paid outside

City Attorney's Office
3900 Main Street
Riverside, CA 92522
(951) 826-5567

PARTIAL JUDGMENT AND FINAL ORDER OF
CONDEMNATION AS TO DEFENDANT JAMES D. MALONE

2896-0612266
08/18/2006 08:08A
3 of 9



15902

1 of these court proceedings and shall be payable as follows:

2 To Defendant James D. Malone and his attorney Randall S. Stamen, the sum of \$27,000.00
3 at the following address:

4 The Law Offices of Randall S. Stamen
5 4046 Chestnut Street
6 Riverside, California 92501

7 4. Payment to Defendant Malone of the sum herein above specified shall constitute
8 payment in full for the real property taken and for all damages of any kind and nature whatsoever
9 suffered by said defendant by reason of such taking.

10 5. An Order for Prejudgment Possession as to Assessor's Parcel Number 150-092-001
11 became effective on July 13, 2003, thirty days after service.

12 6. Plaintiff's portion of taxes, if any, are cancelled as of the effective date of possession.

13 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
14 CONDEMNATION:

15 The interests of Defendant James D. Malone, in the following described real property,
16 designated as Assessor's Parcel Number 150-092-001, are hereby condemned for the public use
17 and purposes described in the Complaint herein (widening and improving of Tyler Street), Plaintiff
18 City of Riverside to take title to the interest of Defendant Malone in said real property, together
19 with all improvements thereon in which said defendant has an interest, free and clear of any and all
20 liens, encumbrances, easements, and leaseholds, of whatever kind or nature:

21 APN 150-092-001

22 Public Street Easement

23 That certain real property located in the City of Riverside, County of Riverside, State of
24 California, described as follows:

25 That portion of Lot 1 in Block 41 in La Granada, as shown by map on file in Book 12,
26 Pages 42 through 51 of Maps, records of Riverside County, California, lying northerly and
27 westerly of the following described line:

COMMENCING at the northwesterly corner of said Lot 1;



1 THENCE South 9°06'48" West, along the westerly line of said Lot 1, a distance of 130.94
2 feet to the northerly line of that certain parcel of land described in deed to Freda Barnes, by
3 document recorded July 24, 1968, as Instrument No. 71039 of Official Records of said
4 Riverside County, and the POINT OF BEGINNING of this line description;
5 THENCE South 87°51'49" East, along said northerly line, a distance of 8.06 feet to a line
6 that is parallel with and distant 33.00 feet easterly, as measured at right angles, from the
7 centerline of Tyler Street, formerly Tyler Avenue;
8 THENCE North 9°06'48" East, along said parallel line, a distance of 82.84 feet to the
9 beginning of a tangent curve concaving southeasterly and having a radius of 45.00 feet;
10 THENCE northerly to the right along said curve through a central angle of 82°03'12" an arc
11 length of 64.44 feet to a line that is parallel with and distant 39.00 feet southerly, as
12 measured at right angles, from the centerline of Arlington Avenue;
13 THENCE South 88°50'01" East, along said last mentioned parallel line, a distance of 58.82
14 feet to the westerly line of that certain parcel of land described in deed to Helen Miston, by
15 document recorded May 28, 1951, in Book 1274, Page 533 of Official Records of said
16 Riverside County;
17 THENCE North 1°10'03" East, along said last mentioned westerly line, a distance of 9.00
18 feet to the northerly line of said Lot 1 and the END of this line description;
19 EXCEPTING THEREFROM that portion of said Lot 1 described in deed to the County of
20 Riverside, by document recorded March 22, 1955, as Instrument NO. 18500 of Official
21 Records of said Riverside County.

22
23 Temporary Construction Easement

24 That certain real property located in the City of Riverside, County of Riverside, State of
25 California, described as follows:
26 A strip of land 5.00 feet in width, lying within a portion of Lot 1 in Block 41 of La
27 Granada, as shown by map on file in Book 12, Pages 42 through 51 of Maps, records of

City Attorney's Office
3900 Main Street
Riverside, CA 92522
(951) 826-5567

PARTIAL JUDGMENT AND FINAL ORDER OF
CONDEMNATION AS TO DEFENDANT JAMES D. MALONE



2006-0612266
08/18/2006 09:09A
5 of 9

15902

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

Riverside County, California, the westerly and northerly line of said strip of land being described as follows:

COMMENCING at the northwesterly corner of said Lot 1;
THENCE South 9°06'48" West, along the westerly line of said Lot 1, a distance of 130.94 feet to the northerly line of that certain parcel of land described in deed to Freda Barnes, by document recorded July 24, 1968, as Instrument No. 71039 of Official Records of said Riverside County;

THENCE South 87°51'49" East, along said northerly line, a distance of 8.06 feet to a line that is parallel with and distant 33.00 feet easterly, as measured at right angles, from the centerline of Tyler Street, formerly Tyler Avenue, and the POINT OF BEGINNING of this line description;

THENCE North 9°06'48" East, along said parallel line, a distance of 82.84 feet to the beginning of a tangent curve concaving southeasterly and having a radius of 45.00 feet;
THENCE northerly to the right along said curve through a central angle of 82°03'12" an arc length of 64.44 feet to a line that is parallel with and distant 39.00 feet southerly, as measured at right angles, from the centerline of Arlington Avenue;

THENCE South 88°50'01" East, along said last mentioned parallel line, a distance of 58.82 feet to the westerly line of that certain parcel of land described in deed to Helen Miston, by document recorded May 28, 1951, in Book 1274, Page 553 of Official Records of said Riverside County, and the END of this line description.

The sidelines of said strip of land 5.00 feet in width shall be lengthened or shortened to terminate in said northerly line of the parcel of land described in document recorded July 24, 1968, and lengthened or shortened to terminate in said westerly line the parcel of land described in document recorded May 28, 1951.

DATED: 6/8/05

[Signature]
Judge of the Superior Court

O:\Cyc\com\WPD\docs\D005P003\00042073.WPD
CA02-2950

City Attorney's Office
3900 Main Street
Riverside, CA 92522
(951) 826-5567

PARTIAL JUDGMENT AND FINAL ORDER OF
CONDEMNATION AS TO DEFENDANT JAMES D. MALONE



2006-0612266
09/18/2006 09:09A
6 of 9

15902

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

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am a resident of the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3900 Main Street, Riverside, California 92522.

On April 20, 2005, I served the within:

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANT JAMES D. MALONE

on the interested parties in said action addressed as follows:

SEE ATTACHED SERVICE LIST

(XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited such sealed envelope for collection and mailing on this same date following ordinary business practices.

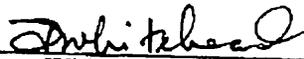
() **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to Code Civ. Proc. § 1011.

() **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to Code Civ. Proc. § 1013(c). Said document was deposited at the box regularly maintained by said express service carrier on the date set forth above.

() **VIA FACSIMILE** - I caused such document to be delivered to the office of the addressee via facsimile machine pursuant to Code Civ. Proc. § 1013(e). Said document was transmitted from the office of City Attorney in Riverside, California, on the date set forth above.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on April 20, 2005, at Riverside, California.



Joann Whitehead



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

SERVICE LIST

City of Riverside v. Salvador Valadez, et al.; Riverside Superior Court Case No. RIC 391405

Calvert and Joyce Erwin
7386 Kingsley
Riverside, CA 92504

John and Winifred Jacob
247 Avenue Vista Del Oceano
San Clemente, CA 92672

Randall S. Stamen
The Law Offices of Randall S. Stamen
4046 Chestnut Street
P.O. Box 946
Riverside, CA 92501

Attorney for defendant James D. Malone

Boyd F. Jensen II
Garret & Jensen
433 Civic Center Drive West
Santa Ana, California 92701-4550

Attorney for defendant Merrill K. Nelson

City Attorney's Office
3900 Main Street
Riverside, CA 92522
(951) 826-5567

PARTIAL JUDGMENT AND FINAL ORDER OF
CONDEMNATION AS TO DEFENDANT JAMES D. MALONE



2006-0612266
08/18/2008 08:08A
8 of 9

15902

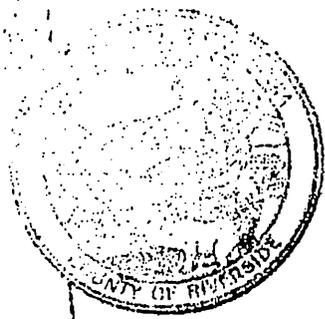
This must be in red to be a
"CERTIFIED COPY"

Each document submitted to the court
is certified to be a true and correct
original on file and of record.

Superior Court of California
County of Riverside

By *Don Matheson*
DEPUTY
AUG 17 2006

Dated: _____



Certification must be in red to be a
"CERTIFIED COPY"



2006-0612266
08/18/2006 09:08A
9 of 9

ARLINGTON

E-1316 D5075B

D5075,

S88°50'01"E AVENUE

E-1316

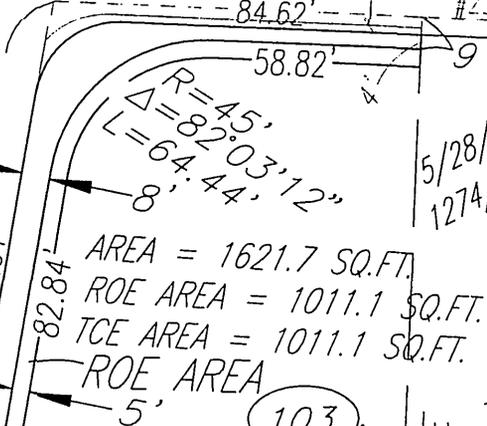
3/22/55
#18500 O.R.

D5405AA
4/6/55

D5405N

#22542 O.R.

D7102(BB)



TYLER STREET

130.94'
105.01'

N09°06'48"E
600.13'

5/16/78 #124209 O.R.
PAR. 2 D9370

LA GRANADA
M.B. 12/42-51

41

NOT PART OF THE RECORDED DOCUMENT

• CITY OF RIVERSIDE, CALIFORNIA •

49-4

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: N.T.S.

DRAWN BY: Kgs DATE: 7/15/03

SUBJECT: TYLER ST. WIDENING - WELLS TO JURUPA - PAR. 73 & 74

15902