

DOC # 2006-0229032

03/31/2006 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry H. Ward

Assessor, County Clerk & Recorder



When Recorded Mail To:

Riverside City Attorney's Office

3900 Main Street

Riverside, CA 92522

Ref: CA #05-2355

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**PARTIAL JUDGMENT AND FINAL ORDER
OF CONDEMNATION AS TO DEFENDANTS
MOHAMMAD SADEGHIAN AND KLARA SADEGHIAN
CASE NO. RIC 437474**



This document is Exempt from Filing Fee Pursuant to *Government Code* § 6103.

D- 15988

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 13 2005
[Signature]

6 Attorneys for plaintiff CITY OF RIVERSIDE,
a California charter city and municipal corporation
7

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF RIVERSIDE

10
11 CITY OF RIVERSIDE, a California charter)
city and municipal corporation,)

12 Plaintiff,)

13 vs.)

14 MOHAMMAD SADEGHIAN; KLARA)
SADEGHIAN; U.F SERVICE)
15 CORPORATION; UNITED COMMERCIAL)
BANK; REPROCO, INC., a Delaware)
16 corporation; NEW YORK PIZZA;)
ALEXANDER VAN HOUTEN; HELAYNE)
17 VAN HOUTEN; TACO TIO; DOES 1 through)
18 100; and ALL PERSONS UNKNOWN)
CLAIMING AN INTEREST IN THE)
19 PROPERTY,)

20 Defendants.)
21

CASE NO.: RIC 437474
Assigned for All Purposes to the
Honorable Judge Dallas Scott Holmes
Department 2

**PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION AS
TO DEFENDANTS MOHAMMAD
SADEGHIAN AND KLARA
SADEGHIAN**

[Stipulation re Settlement and for Entry
of Partial Judgment and Final Order of
Condemnation filed concurrently
herewith]

Assessor's Parcel Numbers:
233-061-009
233-061-010

22 Pursuant to a written Stipulation by and between plaintiff City of Riverside, by and
23 through Heriberto F. Diaz, Deputy City Attorney, and defendants Mohammad Sadeghian and
24 Klara Sadeghian (hereinafter collectively "Sadeghian"), by and through their attorneys of record,
25 that a Partial Judgment and Final Order of Condemnation as to Assessor's Parcel Numbers 233-
26 061-009 and 233-061-010 may be made and entered herein in accordance with the terms and
27 conditions hereof without further notice to said defendants.



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IT IS HEREBY FOUND AND DETERMINED:

1. The interest of defendants Sadeghian in and to the real property designated in the complaint as Assessor's Parcel Numbers 233-061-009 and 233-061-010 is fee simple absolute.

2. By execution of the Stipulation re Settlement and for Entry of Partial Judgment and Final Order of Condemnation ("Stipulation") herein, defendants Sadeghian waive the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to Assessor's Parcel Numbers 233-061-009 and 233-061-010, and the right and time for appeal.

3. By execution of the Stipulation herein, defendants Sadeghian acknowledge that the following record liens and encumbrances may create a compensable interest in the following parties:

<u>Defendant</u>	<u>Instrument Number</u>	<u>Principal</u>
United Commercial Bank	2002-139408	\$450,000.00
Reproco, Inc.	24354	Easement

4. By execution of the Stipulation herein, defendants Sadeghian have agreed to vacate Assessor's Parcel Numbers 233-061-009 and 233-061-010 upon twenty days' written notice by the City, delivered by first class mail. Delivery shall be deemed complete upon mailing. City shall be entitled to a writ of assistance without further notice to defendants Sadeghian should they fail to vacate pursuant to the notice required by this paragraph.

5. Defendants Sadeghian expressly waive the right to challenge the City of Riverside's right to acquire the property by eminent domain, the right to further and greater compensation, and the right to an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.

6. Pursuant to said stipulation, the total amount of just compensation to be paid by plaintiff for the benefit of defendants Sadeghian is the sum of One Million Three Hundred Fifty-eight Thousand Two Hundred Thirty-five Dollars (\$1,358,235.00) ("Award"). Payment of the Award shall be deemed to include all compensable damages, including loss of business goodwill,



1 relocation expenses, fair market value and interest thereon, attorneys fees and all costs of suit
2 pursuant to California *Code of Civil Procedure* § 1268.710 and all litigation expenses, including,
3 but not limited to those defined in California *Code of Civil Procedure* § 1235.140. Payment of the
4 Award shall be subject to apportionment and shall be disbursed pursuant to further order of the
5 Court.

6 7. Plaintiff made a deposit of probable compensation herein on September 23, 2005,
7 in the amount of \$406,425.00.

8 8. The use for which an interest in and to Assessor's Parcel Numbers 233-061-009
9 and 233-061-010 is being acquired is a use authorized by law and the acquisition of said interest is
10 necessary to said use.

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

12 1. The total compensation, award, and damages to be paid as a result of the
13 condemnation of the interests of defendants Mohammad Sadeghian and Klara Sadeghian in
14 Assessor's Parcel Numbers 233-061-009 and 233-061-010 is the total sum of One Million Three
15 Hundred Fifty-eight Thousand Two Hundred Thirty-five Dollars (\$1,358,235.00) ("Award").

16 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant
17 to California *Code of Civil Procedure* § 1268.710 and all litigation expenses including, but not
18 limited to, those defined in California *Code of Civil Procedure* § 1235.140. Payment hereunder
19 shall further be deemed to be the total just compensation and damages, if any, to which defendants
20 Sadeghian shall be entitled by reason of the condemnation of Assessor's Parcel Numbers 233-061-
21 009 and 233-061-010. Payment of the Award shall be subject to further proceedings on the issue of
22 apportionment as between defendants Sadeghian and the following interested parties herein:
23 United Commercial Bank and Reproco, Inc.

24 3. The Award remaining to be paid herein in the amount of One Million Three
25 Hundred Fifty-eight Thousand Two Hundred Thirty-five Dollars (\$1,358,235.00) shall be paid to
26 parties entitled thereto pursuant to further order of the Court.

27 4. Deposit with the State Treasurer's office in the sum herein above specified shall



1 constitute payment in full for the real property taken and for all damages of any kind and nature
2 whatsoever suffered by said defendants by reason of such taking.

3 5. The plaintiff is authorized to take title and possession of Assessor's Parcel
4 Numbers 233-061-009 and 233-061-010 on the date this judgment is made and entered.

5 6. Plaintiff's portion of taxes, if any, are cancelled as of the date this judgment is
6 made and entered.

7 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
8 CONDEMNATION:

9 The interests of defendants Mohammad Sadeghian and Klara Sadeghian in the real
10 property described in Exhibit "A" and designated as Assessor's Parcel Numbers 233-061-009 and
11 233-061-010 are hereby condemned for the public use and purposes described in the Complaint as:
12 1) an easement and right-of-way for public street and highway purposes, together with all rights to
13 construct and maintain utilities, sewers, drains and other improvements consistent with the use as a
14 public street and highway; 2) a temporary construction easement and right-of-way which shall
15 terminate upon completion of the public improvements and acceptance by City, or within eighteen
16 months from the date of recording this document, whichever occurs first, for the purpose of
17 installing public improvements. Such uses may include, but are not limited to, ingress and egress
18 of persons and vehicles, the deposit of tools, equipment, machinery, and materials used in the
19 performance of the construction, and for similar purposes. Plaintiff City of Riverside to take title
20 to the interests of said defendants in said real property, together with all improvements thereon in
21 which said defendants have an interest, free and clear of any and all liens, encumbrances,
22 easements, and leaseholds, of whatever kind or nature.

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DATED: 13 DEC 05


Dallas Holmes
Judge of the Superior Court

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05-1288 - OP1



EXHIBIT "A"

PARCEL 002
A.P.N. 233-061-009

Parcel 002 A – *Public Street Easement*

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

That portion of Lot 2 in Block 25 and that portion of Canal Avenue, (vacated), of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 1 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North 56°19'54" East, along the northwesterly line of said Parcel 1, a distance of 16.00 feet to a line that is parallel with and distant 60.00 feet northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, and the POINT OF BEGINNING of the parcel of land being described; said parallel line also being the northeasterly line of that certain parcel of land described in Grant Deed to the City of Riverside by document recorded August 1, 1986, as Instrument No. 183838 of Official Records of said Riverside County;

THENCE South 33°38'19" East, along said parallel line and along said northeasterly line, a distance of 100.58 feet to the northwesterly line of Parcel 3 of said Record of Survey;

THENCE North 56°21'41" East, along said northwesterly line of Parcel 3, a distance of 19.50 feet to a line that is parallel with and distant 79.50 feet northeasterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE North 33°38'19" West, along said parallel line, a distance of 67.39 feet;

THENCE North 4°01'57" East, a distance of 29.04 feet;

THENCE North 56°22'07" East, a distance of 96.75 feet to the northeasterly line of said Parcel 1;

THENCE North 33°38'19" West, along said northeasterly line of Parcel 1, a distance of 10.28 feet to said northwesterly line of Parcel 1;

THENCE South 56°19'54" West, along said northwesterly line, a distance of 134.00 feet to the POINT OF BEGINNING.

Area = 3,338 square feet.

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EXHIBIT (A)



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Parcel 002 B – *Temporary Construction Easement*

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

That portion of Lot 2 in Block 25 and that portion of Canal Avenue, (vacated), of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, lying within a strip of land 5.00 feet in width, the southwesterly, westerly and northwesterly line of which is described as follows:

COMMENCING at the most westerly corner of Parcel 1 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North 56°19'54" East, along the northwesterly line of said Parcel 1, a distance of 16.00 feet to a line that is parallel with and distant 60.00 feet northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard;

THENCE South 33°38'19" East, along said parallel line, a distance of 100.58 feet to the northwesterly line of Parcel 3 of said Record of Survey;

THENCE North 56°21'41" East, along said northwesterly line of Parcel 3, a distance of 19.50 feet to a line that is parallel with and distant 79.50 feet northeasterly, as measured at right angles, from said centerline of Van Buren Boulevard, and the POINT OF BEGINNING of this line description;

THENCE North 33°38'19" West, along said parallel line, a distance of 67.39 feet;

THENCE North 4°01'57" East, a distance of 29.04 feet;

THENCE North 56°22'07" East, a distance of 96.75 feet to the northeasterly line of said Parcel 1, 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 northwesterly line of Parcel 3 and lengthened or shortened to terminate in said northeasterly line of Parcel 1.

Area = 945 square feet.

Parcel 002 C – *Temporary Construction Easement (1 Month)*

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

That portion of Lot 2 in Block 25 of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, more particularly described as follows:

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COMMENCING at the most westerly corner of Parcel 1 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North 56°19'54" East, along the northwesterly line of said Parcel 1, a distance of 16.00 feet to a line that is parallel with and distant 60.00 feet northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard;

THENCE South 33°38'19" East, along said parallel line, a distance of 100.58 feet to the northwesterly line of Parcel 3 of said Record of Survey;

THENCE North 56°21'41" East, along said northwesterly line of Parcel 3, a distance of 24.50 feet to the POINT OF BEGINNING of the parcel of land being described;

THENCE North 33°38'19" West, a distance of 65.69 feet;

THENCE North 4°01'57" East, a distance of 24.88 feet;

THENCE North 56°22'07" East, a distance of 9.79 feet;

THENCE South 33°38'19" East, a distance of 85.38 feet to said northwesterly line of Parcel 3;

THENCE South 56°21'41" West, along said northwesterly line, a distance of 25.00 feet to the POINT OF BEGINNING.

Area - 1,985 square feet.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.


Date 7/11/05 Prep. Kap
Mark S. Brown, L.S. 5655
License Expires 9/30/05



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VAN BUREN BOULEVARD

VILLAGE OF ARLINGTON

M.B. 1/62 S.B. Co.

233-061-005

3601

N56°22'07"E

263.58'

134'

N56°19'54"E

44'

16'

10.28'

60'

N04°01'57"E

40.02'

29.04'

15' T.C.E.

#2

96.75'

#1-5' T.C.E.

3595

233-061-009

SADEGHIAN

PAR. 1

3338 SQ.FT. GOE

945 SQ.FT. TCE#1

1985 SQ.FT. TCE#2

86.5'

N56°22'07"E

S33°38'19"E

PARCEL 2

N33°38'19"W

324.31'

100.58'

67.39'

19.5'

19.5'

N56°21'41"E

86.5'

CANAL AVE R/W (VAC)

3565

233-061-010

POR. LOT 2
BLOCK 25

PAR. 3

S33°38'19"E

171.21'

233-061-CITY PROPE

R/S 54/86
167.12

200.40'

40'

40'

ANDREW STREET

N34°42'06"E

• CITY OF RIVERSIDE, CALIFORNIA •

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: 2/17/05

SUBJECT: VAN BUREN BOULEVARD WIDENING

15988

EXHIBIT "A"

PARCEL 001
A.P.N. 233-061-010

Parcel 001 A – *Public Street Easement*

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

That portion of Lot 2 in Block 25 and that portion of Canal Avenue, (vacated), of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 3 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North $56^{\circ}21'41''$ East, along the northwesterly line of said Parcel 3, a distance of 16.00 feet to a line that is parallel with and distant 60.00 feet northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, and the POINT OF BEGINNING of the parcel of land being described; said parallel line also being the northeasterly line of that certain parcel of land described in Grant Deed to the City of Riverside by document recorded August 1, 1986, as Instrument No. 183838 of Official Records of said Riverside County;

THENCE South $33^{\circ}38'19''$ East, along said parallel line and along said northeasterly line, a distance of 106.14 feet to the beginning of a non-tangent curve concaving northeasterly, having a radius of 39.50 feet and to which the radius bears North $33^{\circ}53'40''$ East;

THENCE southeasterly along said non-tangent curve and continuing along said northeasterly line, through a central angle of $41^{\circ}19'09''$ an arc length of 28.49 feet to the southeasterly line of said Parcel 3;

THENCE North $34^{\circ}42'06''$ East, along said southeasterly line of Parcel 3, a distance of 0.48 of a foot to a line that is parallel with and distant 79.50 feet northeasterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE North $33^{\circ}38'19''$ West, along said parallel line, a distance of 126.31 feet to said northwesterly line of Parcel 3;

THENCE South $56^{\circ}21'41''$ West, along said northwesterly line, a distance of 19.50 feet to the POINT OF BEGINNING.

Area – 2,320 square feet.

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Parcel 001 B – *Temporary Construction Easement*

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

A strip of land 5.00 feet in width, lying within that portion of Lot 2 in Block 25 and that portion of Canal Avenue, (vacated), of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, the southwesterly line of said strip of land being described as follows:

COMMENCING at the most westerly corner of Parcel 3 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North 56°21'41" East, along the northwesterly line of said Parcel 3, a distance of 35.50 feet to a line that is parallel with and distant 79.50 feet northeasterly, as measured at right angles, from the centerline of Van Buren Boulevard, and the POINT OF BEGINNING of this line description;

THENCE South 33°38'19" East, along said parallel line, a distance of 126.31 feet to the southeasterly line of said Parcel 3, 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 northwesterly line of Parcel 3, and lengthened or shortened to terminate in said southeasterly line of Parcel 3.

Area – 627 square feet.

Parcel 001 C – *Temporary Construction Easement (1 Month)*

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

That portion of Lot 2 in Block 25 of the Village of Arlington, as shown by map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, more particularly described as follows:

BEGINNING at the most westerly corner of Parcel 3 of Record of Survey on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California;

THENCE North 56°21'41" East, along the northwesterly line of said Parcel 3, a distance of 122.00 feet;

THENCE South 33°38'19" East, along a line parallel with the centerline of Van Buren Boulevard, a distance of 91.96 feet to the southeasterly line of said Parcel 3;

THENCE South 34°42'06" West, along said southeasterly line, a distance of 124.22 feet to the southerly line of said Parcel 3;

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THENCE North 78°01'33" West, along said southerly line, a distance of 9.37 feet to the southwesterly line of said Parcel 3;

THENCE North 33°38'19" West, along said southwesterly line of Parcel 3, a distance of 131.11 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion lying southwesterly of a line that is parallel with and distant 84.50 feet northeasterly, as measured at right angles, from said centerline of Van Buren Boulevard.

Area - 8,813 square feet.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 7/11/05 Date Prep. Yog
Mark S. Brown, L.S. 5655
License Expires 9/30/05



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VAN BUREN BOULEVARD

VILLAGE OF ARLINGTON
M.B. 1/62 S.B. Co.

233-061-005

3601

N56°22'07"E
263.58'

N56°19'54"E

N56°22'07"E

PARCEL 2

3595

PAR. 1
POR. LOT 2
BLOCK 25

N56°21'41"E
86.5'

CANAL AVE R/W (VAC)

233-061-
CITY PROPE

R/S 54/86
167.12

SADEGHIAN
3565
233-061-010
2320 SQ.FT. GOE
627 SQ.FT. TCE-1
8813 SQ.FT. TCE-2

1

91.967

PAR. 3

T.C.E. - #1
19.5'
5'

T.C.E. - #2
124.22'

ANDREW STREET
N34°42'06"E

N33°38'19"W
324.31'

44'
60'
60'

S33°53'40"W(R)
R=39.5'
Δ=41°19'09"
L=28.49'
S18°01'33"E

• CITY OF RIVERSIDE, CALIFORNIA •

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
66-7

SCALE: N.T.S. DRAWN BY: Kgs DATE: 2/17/05 SUBJECT: VAN BUREN BOULEVARD WIDENING 15988

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PROOF OF SERVICE BY MAIL--[1013a, (3) 2015.5 Code Civ. Proc.]

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 December 8, 2005, I served the within:

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS MOHAMMAD SADEGHIAN AND KLARA SADEGHIAN

on the interested parties in said action addressed as follows:

David F. Hubbard, Esq.
REDWINE & SHERRILL
1950 Market Street
Riverside, CA 92501-1720

Mohammed Sadeghian
Klara Sadeghian
3595 Van Buren Blvd.
Riverside, CA 92503

(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 December 8, 2005, at Riverside, California.

Joann Whitehead

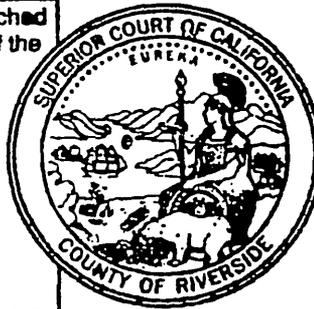
This must be in red to be a **Joann Whitehead**
"CERTIFIED COPY"

Each document to which this certificate is attached is certified to be a full, true and correct copy of the original on file and of record in my office.

Superior Court of California
County of Riverside

By: *[Signature]*
DEPUTY
MAR 29 2006

Dated: _____



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

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



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