

When Recorded Mail To:

Riverside City Attorney's Office
3900 Main Street
Riverside, CA 92522
Ref: CA#L08-0085.1

DOC # 2010-0371756

08/09/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



This instrument is for the benefit of the City of Riverside and is exempt from recording fees (Government Code § 27383¹)

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**INTERLOCUTORY JUDGMENT IN CONDEMNATION AS
TO DEFENDANT PACIFIC BELL TELEPHONE COMPANY
CASE NO. RIC501654**



D - 16487

¹ Government Code § 27383: "No fee shall be charged by the recorder for services rendered to the State, to any municipality, county in the State or other political subdivision thereof, except for making a copy of a paper or record."

16487

RCB JUL 22 2010
9/21/01

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 28 2010

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10 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103) CAB

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF RIVERSIDE

14 CITY OF RIVERSIDE, a California charter city
15 and municipal corporation,

16 Plaintiff,

17 vs.

18 EXXONMOBIL OIL CORPORATION AS
19 SUCCESSOR IN INTEREST TO MOBIL OIL
20 CORPORATION, a New York corporation, et
21 al.

22 Defendants.

CASE NO. RIC501654

**[PROPOSED] INTERLOCUTORY
JUDGMENT IN CONDEMNATION
AS TO DEFENDANT PACIFIC BELL
TELEPHONE COMPANY**

APNs: 189-290-014
155-290-009
191-020-007
191-071-015
191-030-001
189-290-008
191-020-005
191-020-006
191-020-009
191-071-002

HONORABLE COMMISSIONER
PAULETTE DURAND-BARKLEY
DEPARTMENT 02

Complaint Filed: June 17, 2008

23
24 Plaintiff City of Riverside ("City") and Defendant Pacific Bell Telephone Company
25 ("Pacific") have stipulated to all the facts, terms, and conditions herein with respect to the
26 property described in Plaintiff's complaint on file herein, which is incorporated herein by
27 reference.



1 GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED, ADJUDGED,
2 AND DECREED AS BETWEEN PLAINTIFF AND DEFENDANT PACIFIC BELL
3 TELEPHONE COMPANY AS FOLLOWS:

4 1. The subject property is located in the City of Riverside and more specifically
5 described in the complaint on file herein ("Property"). The Property is being taken by plaintiff
6 for the purposes described as widening and improvement of Van Buren Boulevard from Jackson
7 Street to the Santa Ana River ("Project") and is necessary for that use. The City is authorized to
8 exercise the power of eminent domain for road widening purposes under Government Code §§
9 37350.5, 39792, 40404, and Code of Civil Procedure §1240.010.

10 2. Pacific has an interest in the Property consisting of two easements and appurtenant
11 rights as memorialized in the documents recorded with the office of the County with the office of
12 the County Recorder for the County of Riverside as Instrument Numbers 44393 and 2000-297495
13 ("Pacific's Easements").

14 3. The Property condemned to City as against Pacific is subject to Pacific's Easements,
15 which shall remain valid and continue to exist as an interest in the Property in favor of Pacific
16 pursuant to its terms. In the event City requests, as a result of the project and this condemnation
17 proceeding, Pacific to remove, relocate, or modify any of Pacific's facilities within Pacific's
18 easements on the Property, City shall pay to Pacific all expenses thereof. In the event City
19 requires, as a result of the project and this condemnation proceeding, Pacific to remove, relocate,
20 or modify any of Pacific's facilities constructed and maintained on the Property pursuant to
21 Pacific's Easements, City shall, at its expense, provide Pacific a replacement easement/easements
22 or right of way sufficient to accommodate the relocated facilities with substantially the same
23 terms and conditions as Pacific Easements.

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4. Other than as set forth above, Pacific waives all compensation of any kind arising from the exercise of eminent domain by plaintiff against the property.

DATED: 7/26/10

M. Faulkner Barkley
JUDGE OF THE SUPERIOR COURT

#445759V1

INTERLOCUTORY JUDGMENT



16487

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.

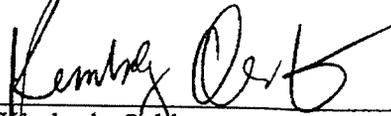
On July 21, 2010, I served the within [PROPOSED] INTERLOCUTORY JUDGMENT IN CONDEMNATION AS TO DEFENDANT PACIFIC BELL TELEPHONE COMPANY on the interested parties in said action addressed as follows:

SEE MAILING LIST ON FOLLOWING PAGE

- (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 C.C.P. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 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 C.C.P. § 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 July 21, 2010, at Riverside, California.



Kimberly Oehlert



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08/08/2010 08 00A
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Mailing List
City of Riverside v. ExxonMobil
RIC501654

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6 pages

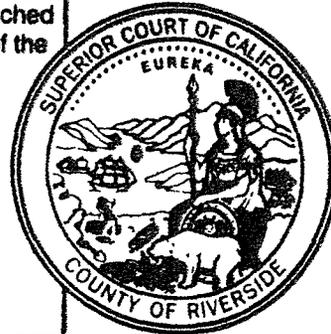
This must be in red to be a
"CERTIFIED COPY"

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 K. Deakin
DEPUTY

Dated: 8/2/2010

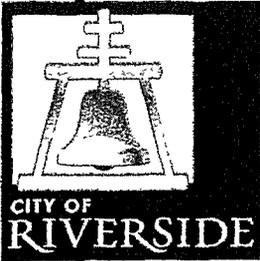


Certification must be in red to be a
"CERTIFIED COPY"



2010-0371756
08/09/2010 08 00A
6 of 6

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MEMORANDUM
CITY ATTORNEY'S OFFICE

RECEIVED

AUG 19 2010

City of Riverside
City Clerk's Office

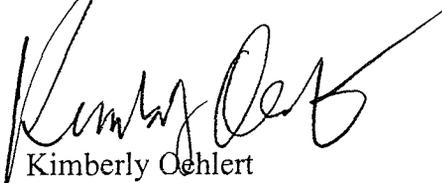
TO: City Clerk
FROM: Kimberly Oehlert
DATE: August 18, 2010
RE: CITY V EXXONMOBIL (VAN BURN – JACKSON TO SANTA ANA RIVER), CA L08-0085 1,
RIVERSIDE SUPERIOR COURT CASE NO RIC501654

Enclosed are the original recorded:

- 1) Partial Judgment and Final Order of Condemnation re Kmart Corporation; D-16488
- ✓2) Interlocutory Judgment in Condemnation as to Defendant Pacific Bell Telephone Company. D-16487

Please retain these documents as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.


Kimberly Oehlert
Legal Assistant
Ext 5768

16487