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3900 Main Street
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06/16/2011 12:06P Fee:NC

Page 1 of 11

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



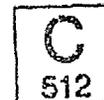
This instrument is for the benefit of the City of Riverside and is exempt from recording fees (Government Code § 27383¹)

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Space above this line reserved for Recorder's use.

D-16683

**PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
AS TO DEFENDANTS EARL PETER MOLLOHAN AND MARY
CATHERINE MOLLOHAN AS TRUSTORS AND TRUSTEES OF THE EARL
PETER AND MARY C. MOLLOHAN FAMILY TRUST DATED 8-29, 1994
CASE NO. RIC483204**



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."

JUN 06 2011

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 13 2011

JUN 14 2011

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5 Riverside, California 92522
6 Telephone (951) 826-5567
7 Facsimile (951) 826-5540
8 ediaz@riversideca.gov

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF RIVERSIDE

Case No.: RIC483204

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

13 Plaintiff,

14 vs.

15 CHAMPION ELECTRIC, INC.; et al.,

16 Defendants.

)
) Judge: Honorable Michael Donner
) Dept. 62

) PARTIAL JUDGMENT AND FINAL
) ORDER OF CONDEMNATION AS TO
) DEFENDANTS EARL PETER
) MOLLOHAN AND MARY CATHERINE
) MOLLOHAN AS TRUSTORS AND
) TRUSTEES OF THE EARL PETER AND
) MARY C. MOLLOHAN FAMILY TRUST
) DATED 8-29, 1994

17
18 Complaint Filed: October 17, 2007
19 Trial: May 24, 2011

20 **JUDGMENT AND ORDER OF CONDEMNATION**

21 **I. INTRODUCTION**

22 This case came on regularly for trial on May 24, 2011, in Department 62 of the above-
23 entitled court, the Honorable Michael Donner presiding. Plaintiff City of Riverside ("City")
24 appeared by way of Heriberto F. Diaz and Brandon S. Mercer of the Riverside City Attorney's
25 Office. Defendants Earl Peter Mollohan and Mary Catherine Mollohan as Trustors and Trustees
26 of the Earl Peter and Mary C. Mollohan Family Trust Dated 8-29, 1994 ("Mollohan
27 Defendants") did not appear and were not represented by counsel.
28

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS
EARL PETER MOLLOHAN AND MARY CATHERINE MOLLOHAN AS TRUSTORS AND TRUSTEES OF
THE EARL PETER AND MARY C. MOLLOHAN FAMILY TRUST DATED 8-29, 1994



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II. BENCH TRIAL

On May 24, 2011, evidence was introduced regarding the fair market value of real property sought to be acquired by the City located at 1767 Columbia Avenue, Riverside, California also known as assessor parcel number 210-030-010 ("Subject Property"). The City sought a public street and temporary construction easements on the Subject Property. A true and correct copy of the property descriptions of the partial takings is attached as Exhibit A.

Witness Robert M. Lea for the City was sworn and examined. Both oral and documentary evidence was introduced, and the evidence having been duly taken and heard, the cause was argued by the City.

The Court, having heard and reviewed all of the evidence, rendered its verdict as follows:

- 1. The fair market value of the property taken was \$133,900.00.

III. ENTRY OF JUDGMENT

The Court, having made its findings of fact and conclusions of law as to all other matters, questions, and issues involved in the proceeding, and it further appearing to the Court that the use to which the property sought to be condemned is a public use authorized by law, and that the taking of the property is necessary for that use.

WHEREFORE, by virtue of the law, and by reason of the aforementioned verdict,

IT IS SO ADJUDGED, ORDERED, AND DECREED that:

- 1. Defendants Earl Peter Mollohan and Mary Catherine Mollohan as Trustors and Trustees of the Earl Peter and Mary C. Mollohan Family Trust Dated 8-29, 1994 own property located at 1767 Columbia Avenue, Riverside, California, also known as assessor parcel number 210-030-010.
- 2. Plaintiff City of Riverside requires a public street and temporary construction easements on the Subject Property. The description of the partial takings is detailed in Exhibit A.
- 3. The value of the partial takings described in Exhibit A, as determined by the Court, is the sum of \$133,900.00.

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1 4. The Mollohan Defendants have previously withdrawn sums totaling \$131,090.00,
2 leaving a total sum of due of \$2,810.00. Mollohan Defendants are also entitled to recover
3 prejudgment interest pursuant to Code of Civil Procedure section 1268.310 in the amount of
4 \$255.15.

5 5. Additional interest shall accrue at \$0.04 per day at the rate of .508%, for each day
6 after June 30, 2011, until the sum of \$3,065.15 is paid by the City.

7 6. Upon payment of the above sums, the real property more specifically described in
8 Exhibit A, shall be condemned for a public street easement and temporary construction
9 easement, for the use and purposes described in the City's complaint on file herein, as against
10 the Mollohan Defendants, and all interests and claims of any of the defendants in the property
11 shall be extinguished.

12 7. On or before June 30, 2011, the City shall pay to Mollohan Defendants \$3,065.15 for
13 just compensation for the fair market value of the property, interest and costs of suit ("Award").
14 City shall make payment and satisfy this judgment by depositing the Award with the State
15 Treasurer Condemnation Fund.

16 8. The final order of condemnation issued pursuant to this judgment shall provide that all
17 property taxes owed to the County of Riverside in relation to the portion taken by the City shall
18 be cancelled and apportioned as of May 16, 2008, the date the City took possession of the
19 property.

20 IT IS FURTHER ADJUDGED, ORDERED AND DECREED that payment of the Award
21 to Mollohan Defendants, shall be in full payment for all interests in the public street easement
22 and temporary construction easement acquired and for all damages of every kind and nature
23 suffered or to be suffered by the Mollohan Defendants because of the taking of the property.

24 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
25 CONDEMNATION:

26 The interests of Defendants Earl Peter Mollohan and Mary Catherine Mollohan as
27 Trustors and Trustees of the Earl Peter and Mary C. Mollohan Family Trust Dated 8-29, 1994 in
28

16623

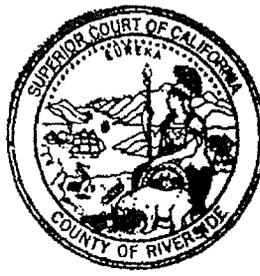
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the real property described in Exhibit A as a public street easement and temporary construction easement in and to Assessor's Parcel Number 210-030-010 are hereby condemned for the public use and purposes described in the complaint as construction of a grade separation project at the railroad crossing on Columbia Avenue from La Cadena Drive to Iowa Avenue. Plaintiff City of Riverside to take title to the interests of Defendants in said real property, together with all improvements thereon in which said defendants have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature. All property taxes owed to the County of Riverside in relation to the portion taken by the City shall be cancelled and apportioned as of May 16, 2008, the date the City took possession of the property.

Dated: 6-8-11


Judge of the Superior Court
MICHAEL B. DONNER

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Exh - A



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*A.P.N. 210-030-010
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 5 of Orange Growers Bank Addition, as shown by map on file in Book 2, Page 40 of Maps, records of Riverside County, California, described as follows:

BEGINNING at the southeast corner of Parcel 1 of Record of Survey, on file in Book 24, Page 11 of Record of Surveys, records of said Riverside County;

THENCE North $16^{\circ}03'29''$ East, along the easterly line of said Parcel 1, a distance of 5.20 feet to a line that is parallel with and distant 60.00 feet northerly, as measured at right angles, from the centerline of Columbia Avenue as shown by said Record of Survey;

THENCE South $89^{\circ}56'00''$ East, along said parallel line, a distance of 172.72 feet;

THENCE North $45^{\circ}04'00''$ East, a distance of 53.74 feet;

THENCE North $0^{\circ}04'00''$ East, a distance of 26.15 feet to the beginning of a tangent curve concaving southeasterly and having a radius of 87.00 feet;

THENCE northerly to the right along said last mentioned curve through a central angle of $47^{\circ}28'46''$ an arc length of 72.09 feet to a point in the easterly line of said Lot 5; said point also being in the westerly right-of-way line of the Riverside Water Company;

THENCE South $2^{\circ}33'40''$ East, along said westerly line, a distance of 28.37 feet to the beginning of a tangent curve concaving westerly and having a radius of 200.00 feet;

THENCE southerly to the right along said last mentioned curve and continuing along said westerly line, through a central angle of $13^{\circ}48'13''$ an arc length of 48.18 feet;

THENCE South $11^{\circ}14'33''$ West, continuing along said westerly line, a distance of 85.33 feet to the northerly line of that certain parcel of land described in Grant Deed to the City of Riverside by document recorded July 24, 1981, as



Instrument No. 140865 of Official Records of said Riverside County;

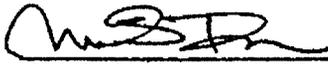
THENCE North $78^{\circ}28'42''$ West, along said northerly line, a distance of 38.86 feet to an angle point in said northerly line; said angle point also being in a line that is parallel with and distant 36.00 feet northerly, as measured at right angles, from said centerline of Columbia Avenue;

THENCE North $89^{\circ}56'00''$ West, continuing along said northerly line, a distance of 188.89 feet to the southerly prolongation of said easterly line of Parcel 1;

THENCE North $16^{\circ}03'29''$ East, along said southerly prolongation of the easterly line of Parcel 1, a distance of 19.77 feet to the POINT OF BEGINNING.

Area - 9049 square feet.

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


Mark S. Brown, L.S. 5655
License Expires 9/30/07

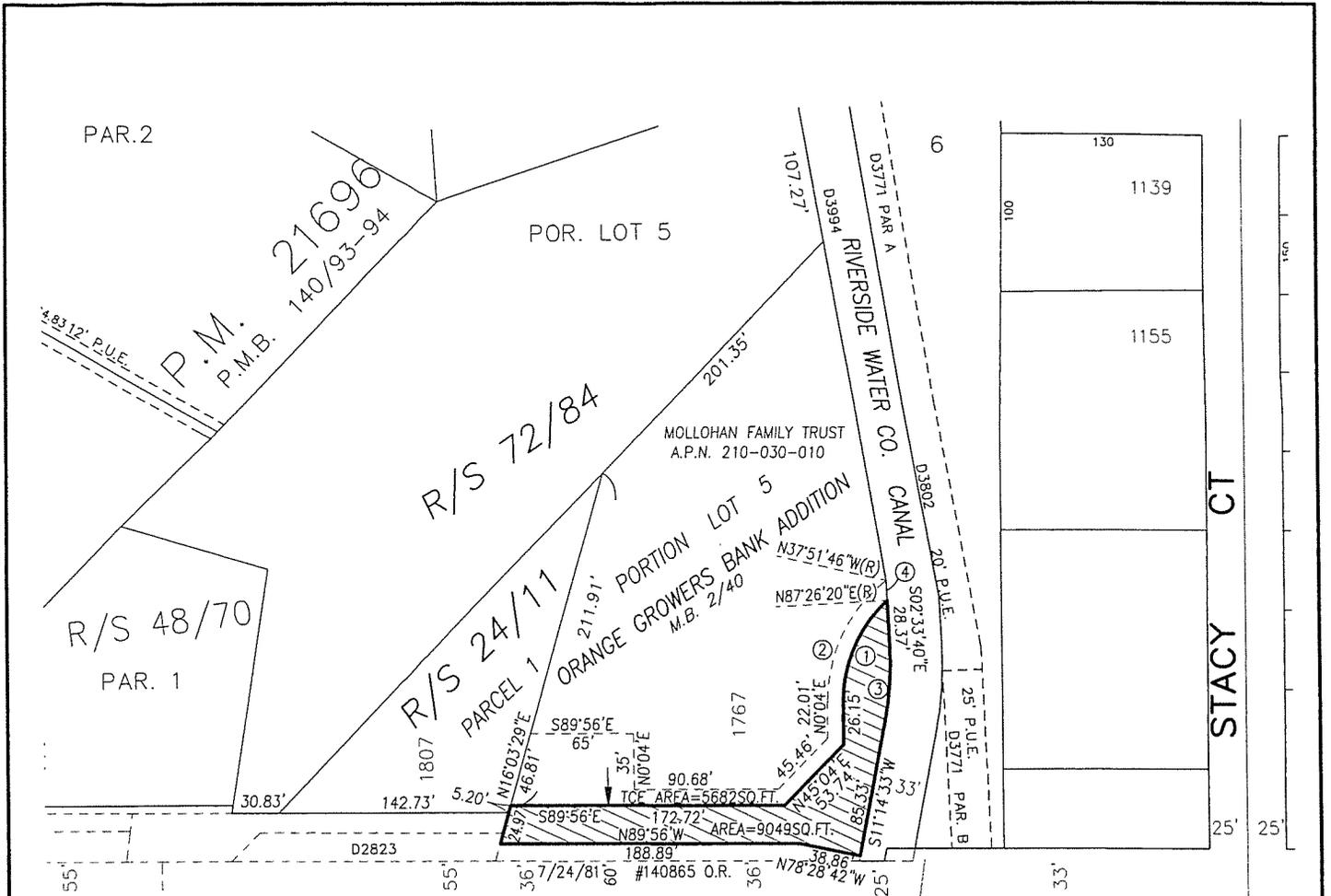
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Date

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- CURVE DATA
- ① R=87' Δ=47°28'46" L=72.09'
 - ② R=97' Δ=52°04'14" L=88.15'
 - ③ R=200' Δ=13°48'13" L=48.18'
 - ④ R=300' Δ=2°22'17" L=12.42'

NOT PART OF THE RECORDED DOCUMENT

● 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: 2/9/07

SUBJECT: COLUMBIA AVENUE GRADE SEPARATION

16683

*A.P.N. 210-030-010
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 5 of Orange Growers Bank Addition, as shown by map on file in Book 2, Page 40 of Maps, records of Riverside, County, California, described as follows:

COMMENCING at the southeast corner of Parcel 1 of Record of Survey, on file in Book 24, Page 11 of Record of Surveys, records of said Riverside County;

THENCE North $16^{\circ}03'29''$ East, along the easterly line of said Parcel 1, a distance of 5.20 feet to a line that is parallel with and distant 60.00 feet northerly, as measured at right angles, from the centerline of Columbia Avenue as shown by said Record of Survey, and the POINT OF BEGINNING of the parcel of land being described;

THENCE South $89^{\circ}56'00''$ East, along said parallel line, a distance of 172.72 feet;

THENCE North $45^{\circ}04'00''$ East, a distance of 53.74 feet;

THENCE North $0^{\circ}04'00''$ East, a distance of 26.15 feet to the beginning of a tangent curve concaving southeasterly and having a radius of 87.00 feet;

THENCE northerly to the right along said last mentioned curve through a central angle of $47^{\circ}28'46''$ an arc length of 72.09 feet to a point in the easterly line of said Lot 5; said point also being in the westerly right-of-way line of the Riverside Water Company and being the beginning of a non-tangent curve concaving westerly, having a radius of 300.00 feet and to which the radius bears South $87^{\circ}26'20''$ West;

THENCE northerly to the left along said last mentioned curve and continuing along said westerly right-of-way line, through a central angle of $2^{\circ}22'17''$ an arc length of 12.42 feet to the beginning of a non-tangent curve concaving southwesterly, having a radius of 97.00 feet and to which the radius bears South $37^{\circ}51'46''$ East; said curve also being concentric with the previously described curve having a radius of 87.00 feet;

THENCE southwesterly to the left along said last mentioned curve through a



central angle of 52°04'14" an arc length of 88.15 feet;

THENCE South 0°04'00" West, a distance of 22.01 feet;

THENCE South 45°04'00" West, a distance of 45.46 feet to a line that is parallel with and distant 70.00 feet northerly, as measured at right angles, from said centerline of Columbia Avenue;

THENCE North 89°56'00" West, along said last mentioned parallel line, a distance of 90.68 feet;

THENCE North 0°04'00" East, at right angle, a distance of 35.00 feet;

THENCE North 89°56'00" West, at right angle, a distance of 65.00 feet to said easterly line of Parcel 1;

THENCE South 16°03'29" West, along said easterly line, a distance of 46.81 feet to the POINT OF BEGINNING.

Area - 5682 square feet.

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

Mark S. Brown 2/14/07 Date *Key* Prep.
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/07



9 pages

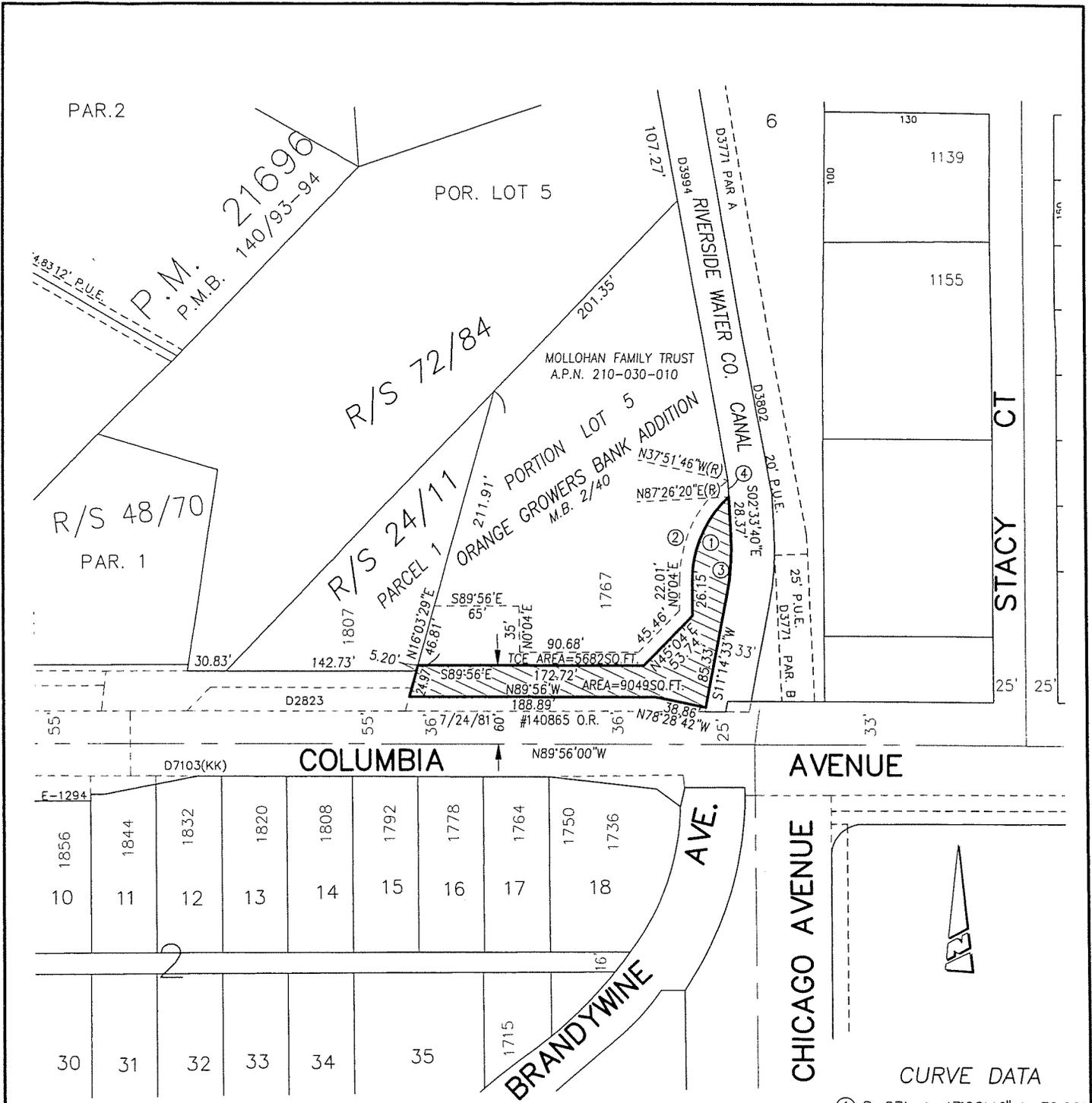
This must be in red to be a "CERTIFIED COPY"

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: *Dea M*
DEPUTY
Dated: 6/15/2011



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

16683



- CURVE DATA**
- ① R=87' Δ=47°28'46" L=72.09'
 - ② R=97' Δ=52°04'14" L=88.15'
 - ③ R=200' Δ=13°48'13" L=48.18'
 - ④ R=300' Δ=2°22'17" L=12.42'

NOT PART OF THE RECORDED DOCUMENT

● 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: 2/9/07 SUBJECT: COLUMBIA AVENUE GRADE SEPARATION

16683



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

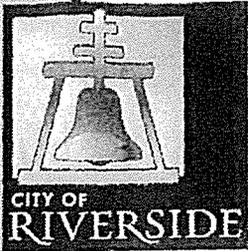
June 06, 2011
June 14, 2011

Date: 6/16/11

Signature: Sara Mulford

Print Name: Sara Mulford





MEMORANDUM
CITY ATTORNEY'S OFFICE

RECEIVED

JUL - 7 2011

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: July 6, 2011
RE: CITY V. CHAMPION ELECTRIC (COLUMBIA AVENUE GRADE SEPARATION); CA 07-1853.5;
RIVERSIDE SUPERIOR COURT CASE NO. RIC483204

D-16683

Enclosed is the original recorded Partial Judgment and Final Order of Condemnation as to Defendants Earl Peter Mollohan and Mary Catherine Mollohan as Trustors and Trustees of the Earl Peter and Mary C. Mollohan Family Trust Dated 8-29, 1994. Please retain this document 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

16683