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Riverside City Attorney's Office
3900 Main Street
Riverside, CA 92522
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DOC # 2011-0571023

12/27/2011 01:49P Fee:NC

Page 1 of 13

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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PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
RE DEFENDANT SHIV, LLC
CASE NO. RIC506079

D-16753



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."

NFO

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 16 2011

10 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

GLV
19 2011
DE

11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF RIVERSIDE

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

15 Plaintiff,)

16 vs.)

17 RICHARD C. HUNSAKER, TRUSTEE OF THE)
18 HUNSAKER FAMILY TRUST, etc; et al.,)

19 Defendant(s).)

Case No. RIC506079
Assigned to Department 06 for Case
Management Purposes

**PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION RE
DEFENDANT SHIV, LLC**

APN: 249-040-012

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

Complaint filed: August 14, 2008

20 Pursuant to a written stipulation by and between plaintiff City of Riverside ("City"), by
21 and through Heriberto F. Diaz, Deputy City Attorney, defendant SHIV, LLC, ("SHIV"), by and
22 through its attorneys, Hubbard Law Firm, and defendants Citizens Business Bank, and Citizens
23 Business Bank as successor in interest to Community Trust Deed Services ("Citizens"), by and
24 through its attorneys, Frandzel, Robins, Bloom & Csato, L.C., that a Partial Judgment and Final
25 Order of Condemnation as to Assessor's Parcel Number 249-040-012 may be made and entered
26 herein in accordance with the terms and conditions hereof without further notice to said
27 defendants,
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2011-0571023
12/27/2011 01:49P
2 of 13



16753

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3 of 13



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IT IS HEREBY FOUND AND DETERMINED:

1. The interest of SHIV in and to the real property designated in the complaint as Assessor's Parcel Number ("APN") 249-040-012 is fee simple absolute. The interests being acquired by the City through this eminent domain action are public street and temporary construction easements, as more particularly described in Exhibit 'A' hereto.

2. By execution of the Stipulation re Settlement and for Entry of Partial Judgment and Final Order of Condemnation herein ("Stipulation"), SHIV and Citizens (collectively "Defendants") 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 APN 249-040-012, and the right and time for appeal as against the City.

3. By execution of the Stipulation, Defendants expressly waive the right to challenge the City'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.

4. Pursuant to the Stipulation, the total amount of just compensation to be awarded by plaintiff to SHIV and Citizens (collectively) is the sum of Two Hundred Seventy-eight Thousand One Hundred Fifty Dollars (\$278,150.00) ("Award"). Said sum is inclusive of fair market value and interest thereon, attorney's fees and all costs of suit, including those costs defined in California Code of Civil Procedure section 1268.710 and litigation expenses including, but not limited to those defined in California Code of Civil Procedure section 1235.140.

5. On August 11, 2008, City deposited the sum of One Hundred Twenty-nine Thousand Three Hundred Dollars (\$129,300.00) with the Treasurer of the State of California, Condemnation Fund, as a deposit of probable just compensation for APN 249-040-012.

6. Pursuant to the Stipulation, Defendants acknowledge competing claims to the Award and the need for an apportionment hearing to determine their respective rights to the Award.

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16753

2011-0571023
12/27/2011 01:48P
4 of 13



1 7. The balance of the Award remaining to be paid in the amount of One Hundred
2 Forty-eight Thousand Eight Hundred Fifty Dollars (\$148,850.00) ("Award Balance") will be
3 paid by the City by depositing the Award Balance with the Treasurer of the State of California,
4 Condemnation Fund, within thirty (30) days after entry of this Partial Judgment and Final Order
5 of Condemnation.

6 8. An Order of Prejudgment Possession became effective as to the interest of SHIV
7 in and to APN 249-040-012 on December 15, 2008.

8 9. The use for which an interest in and to APN 249-040-012 is being acquired is a
9 use authorized by law and the acquisition of said interest is necessary to said use.

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

11 1. The total compensation, award, and damages to be paid as a result of the
12 condemnation of the interests of defendants SHIV, LLC, ("SHIV") in and to Assessor's Parcel
13 Number ("APN") 249-040-012 is the total sum of Two Hundred Seventy-eight Thousand One
14 Hundred Fifty Dollars (\$278,150.00) ("Award").

15 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
16 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
17 including, but not limited to, those defined in California Code of Civil Procedure section
18 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
19 damages, if any, to which SHIV shall be entitled by reason of the condemnation of APN 249-
20 040-012.

21 3. The balance of the Award remaining to be paid in the amount of One Hundred
22 Forty-eight Thousand Eight Hundred Fifty Dollars (\$148,850.00) ("Award Balance") will be
23 paid by the City by depositing the Award Balance with the Treasurer of the State of California,
24 Condemnation Fund, within thirty (30) days after entry of this Partial Judgment and Final Order
25 of Condemnation.

26 4. Deposit of the total Award Balance as provided herein shall constitute payment in
27 full for the real property taken and for all damages of any kind and nature whatsoever suffered
28 by said defendant by reason of such taking. Citizens shall have the right to request

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2011-0571023
12/27/2011 01:49P
5 of 13



1 appportionment of the Award prior to entry of a final judgment. Funds shall not be distributed
2 from the State Treasurer's condemnation fund without further order of this court. The Award
3 funds in the amount of \$278,150 shall be paid by the State Treasurer to the Defendants at a later
4 date, in amounts determined (1) by stipulation between SHIV and Citizens or (2) through an
5 apportionment hearing.

6 5. An Order of Prejudgment Possession became effective as to the interest of SHIV
7 in and to APN 249-040-012 on December 15, 2008.

8 6. Pursuant to Revenue and Taxation Code section 5082, all current, general, and
9 special county taxes due and owing to the county of Riverside as to the property interests being
10 acquired by the City shall be prorated to December 15, 2008. As of December 15, 2008, the
11 property interests being acquired by the City shall be exempt from general and special county
12 taxes and all such taxes shall be canceled after that date pursuant to Revenue and Taxation Code
13 sections 4985 et seq. and 5081 et seq.

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

16 The interest of SHIV, LLC, ("SHIV"), Citizens Business Bank, and Citizens Business
17 Bank as successor in interest to Community Trust Deed Services ("Citizens") in the real
18 property described in Exhibit "A" as to Assessor's Parcel Number 249-040-012 is hereby
19 condemned for the public use and purposes described in the Complaint as widening and
20 improving 0.75 miles of Columbia Avenue and 0.5 miles of Iowa Avenue, including the
21 intersection. Plaintiff City of Riverside to take title to the interests of SHIV in said real property,
22 together with all improvements thereon in which said defendants have an interest, free and clear
23 of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

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DATED: 12/14/11

Ronald Taylor
Judge of the Superior Court

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EXHIBIT A



2011-0571023
12/27/2011 01:49P
6 of 13

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EXHIBIT "A"

A.P.N. 249-040-012-2
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 PARCEL 2 OF PARCEL MAP NO. 28709, ON FILE IN BOOK 192, PAGES 79 AND 80, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL;

THENCE SOUTH 00°33'19" WEST ALONG THE EASTERLY LINE OF SAID PARCEL A DISTANCE OF 183.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 39.50 FEET, THROUGH WHICH POINT A RADIAL LINE BEARS SOUTH 47°45'42" EAST;

THENCE SOUTHWESTERLY CONTINUING ALONG SAID EASTERLY LINE AND ALONG SAID CURVE A DISTANCE OF 13.41 FEET THROUGH A CENTRAL ANGLE OF 19°27'30" TO THE SOUTHERLY LINE OF SAID PARCEL, THROUGH WHICH POINT, A RADIAL LINE BEARS SOUTH 28°18'12" EAST;

THENCE NORTH 89°09'58" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 52.22 FEET;

THENCE NORTH 45°41'41" EAST A DISTANCE OF 58.76 FEET TO A LINE PARALLEL WITH AND DISTANT 21.00 FEET WESTERLY AS MEASURED AT RIGHT ANGLES FROM SAID EASTERLY LINE OF PARCEL 2;

THENCE NORTH 00°33'19" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 149.78 FEET TO THE NORTHERLY LINE OF SAID PARCEL;

THENCE SOUTH 89°26'41" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 21.00 FEET TO THE POINT OF BEGINNING.

AREA - 4850 SQUARE FEET.

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

Walter E. Schorer



XICOTENCATL E. SALAZAR, L.S. 5507 DATE: DECEMBER 10, 2007
LICENSE EXPIRES 9/30/2008

PAGE 1 OF 1

DESCRIPTION APPROVAL
Mark S. Brown 1/25/08
MARK S. BROWN DATE

2011-0571023
12/27/2011 01:49P
7 of 13



16753

APN 249-040-011-1

N89°26'41"W

21.00'

POB

PARCEL 2
PARCEL MAP NO. 28709
P.M.B. 192/79-80

SHIV, LLC
APN 249-040-012-2
PUBLIC STREET EASEMENT
AREA = 4,850 SQ FT

IOWA AVENUE

N00°33'19"E

N00°33'19"E 148.78'

81.00'

60.00'

CURVE TABLE

① R= 39.50' Δ= 19°27'30" L= 13.41'

N45°41'41"E 58.76'

52.22'

N89°26'41"W

60.00'

117.00'

N89°09'58"W 169.22'

N27°45'42"W
RADIAL

N28°18'12"W
RADIAL

N00°50'02"E

60.11'

55.00'

N89°09'58"W

N89°01'20"W

70.73'

5.29'

63.67'

COLUMBIA AVENUE

NOT A 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 1"= 40'

Drawn by: XES

Date: 12/10/07

Subject: COLUMBIA AVE & IOWA AVE STREET IMPROVEMENTS

16752

EXHIBIT "A"

A.P.N. 249-040-012-2
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 PARCEL 2 OF PARCEL MAP NO. 28709, ON FILE IN BOOK 192, PAGES 79 AND 80, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID PARCEL;

THENCE NORTH 89°26'41" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL, A DISTANCE OF 21.00 FEET TO A LINE PARALLEL WITH AND DISTANT 21.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID PARCEL AND THE POINT OF BEGINNING;

THENCE ALONG SAID PARALLEL LINE SOUTH 00°33'19" WEST A DISTANCE OF 149.78 FEET;

THENCE SOUTH 45°41'41" WEST A DISTANCE OF 58.76 FEET TO THE SOUTHERLY LINE OF SAID PARCEL, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF COLUMBIA AVENUE AS SHOWN ON SAID MAP;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 89°09'58" WEST A DISTANCE OF 117.00 FEET THE WESTERLY LINE OF SAID PARCEL;

THENCE ALONG SAID WESTERLY LINE, NORTH 00°33'19" EAST A DISTANCE OF 10.00 FEET TO A LINE PARALLEL WITH AND DISTANT 10.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES FROM SAID NORTHERLY RIGHT OF WAY LINE ;

THENCE ALONG SAID PARALLEL LINE, SOUTH 89°09'58" EAST A DISTANCE OF 112.90 FEET;

THENCE NORTH 45°41'41" EAST A DISTANCE OF 50.45 FEET TO A LINE PARALLEL WITH AND DISTANT 31.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES FROM SAID THE EASTERLY LINE OF PARCEL 2;

THENCE ALONG SAID PARALLEL LINE, NORTH 00°33'19" EAST A DISTANCE OF 145.63 FEET TO THE NORTHERLY LINE OF SAID PARCEL;



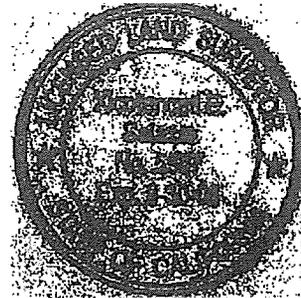
THENCE SOUTH 89°26'41" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

AREA - 3173 SQUARE FEET.

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

Westcott E. Schrier

XICOTENCATL E. SALAZAR, L.S. 5507 DATE: NOVEMBER 28, 2007
LICENSE EXPIRES 9/30/2008



DESCRIPTION APPROVAL:

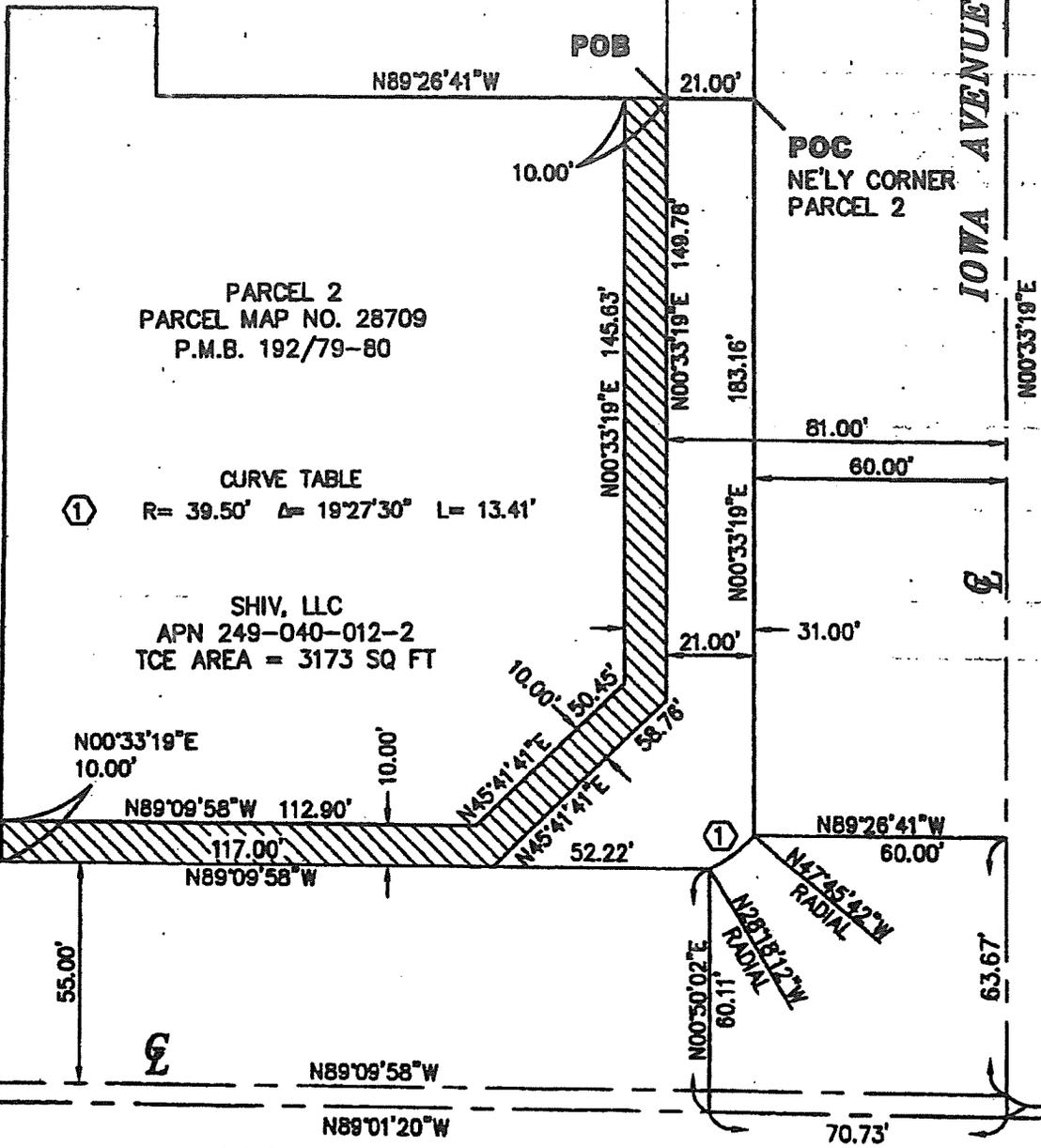
Mark S. Brown 1/25/08

MARK S. BROWN
CITY SURVEYOR

DATE



APN 249-040-011-1



PARCEL 2
PARCEL MAP NO. 28709
P.M.B. 192/79-80

① CURVE TABLE
R= 39.50' Δ= 19°27'30" L= 13.41'

SHIV, LLC
APN 249-040-012-2
TCE AREA = 3173 SQ FT

N00°33'19"E
10.00'

N89°09'58"W 112.90'

117.00'

N89°09'58"W

55.00'

N89°09'58"W

N89°01'20"W

COLUMBIA AVENUE

NOT A 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 1"= 40'

Drawn by: XES

Date: 12/10/07

Subject: COLUMBIA AVE & IOWA AVE STREET IMPROVEMENTS

16753

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766
 2 HERIBERTO F. DIAZ, Deputy City Attorney, SBN 132821
 3 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
 4 CITY OF RIVERSIDE
 5 City Hall, 3900 Main Street
 6 Riverside, California 92522
 7 Telephone (951) 826-5567
 8 Facsimile (951) 826-5540
 9 ediaz@riversideca.gov

10 Attorneys for Plaintiff, City of Riverside (Fee Exempt Gov't Code § 6103)

11 SUPERIOR COURT OF CALIFORNIA
 12 COUNTY OF RIVERSIDE

13	CITY OF RIVERSIDE, a California charter city and)	Case No. RIC506079
14	municipal corporation,)	Assigned to Department 06 for Case
15	Plaintiff,)	Management Purposes
16	vs.)	DECLARATION OF SERVICE
17	RICHARD C. HUNSAKER, TRUSTEE OF THE)	Complaint filed: August 14, 2008
18	HUNSAKER FAMILY TRUST, etc; et al.,)	
19	Defendant(s).)	

20 I am a resident of the county aforesaid; I am over the age of 18 years and not a party to
 21 the within above-entitled action; my business address is 3900 Main Street, Riverside, California
 22 92522.

23 On December 12, 2011, I served the 1) Stipulation re Settlement and for Entry of Partial
 24 Judgment and Final Order of Condemnation and 2) Partial Judgment and Final Order of
 25 Condemnation re Defendant SHIV, LLC on the interested parties in said action addressed as
 26 follows:

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2011-0571023
 12/27/2011 01:49P
 10 of 13



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David F. Hubbard, Esq.
HUBBARD LAW FIRM
3877 12th Street
Riverside CA 92501
Tel: 951-686-2660
Fax: 951-686-5970

Attorneys for defendants:
SHIV, LLC

Marshall J. August, Esq.
FRANZEL ROBINS BLOOM & CSATO, L.C.
6500 Wilshire Boulevard, 17th Floor
Los Angeles CA 90048-4920

Attorneys for defendants:
Citizens Business Bank and
Citizens Business Bank as successor in
interest to Community Trust Deed
Services

(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.

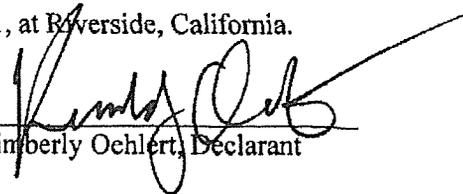
() **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.

() **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 December 12, 2011, at Riverside, California.


Kimberly Oehlert, Declarant

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1.08-0144.1





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

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

www.riversid.acr.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):

Pages 7 & 9
Licensed Land Surveyor
Xicotencatl E.
Salazar
NO. 5507
EXP 9/30/08.
State of California

2011-0571823
12/27/2011 01:45P
13 of 13



Date: 12/27/11

Signature: *Erica Eley*

Print Name: Erica Eley