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3900 Main Street  
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Ref: CA# L0-0223.4

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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This instrument is for the benefit  
of the City of Riverside and is  
exempt from recording fees  
(Government Code § 27383<sup>1</sup>)

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**JUDGMENT AND FINAL ORDER OF CONDEMNATION**

**CASE NO. RIC10022408**

**D-16775**



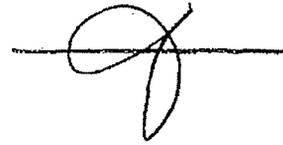
<sup>1</sup> Government Code § 27383: "No fee shall be charged by the recorder for services rendered to the State, to any municipality, county in the State or other political subdivision thereof, except for making a copy of a paper or record."

*16775*

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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

MAR -7 2012



ELO  
MAR 08 2012

6 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and )  
11 municipal corporation, )  
12 Plaintiff, )  
13 vs. )  
14 PRODUCTION CIRCLE, LLC; et al, )  
15 Defendants. )

Case No. RIC10022408  
Assigned to Dept. 4

**JUDGMENT AND FINAL ORDER OF  
CONDEMNATION**

APNs: 247-140-035

16 This Judgment and Final Order of Condemnation is hereby made following disposition  
17 through the court proceedings described below of all parties and property interests alleged in the  
18 Complaint in Eminent Domain.

19 IT IS HEREBY FOUND AND DETERMINED:

20 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of  
21 the State of California, section 1240.010 of the Code of Civil Procedure of the State of  
22 California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of  
23 Riverside is authorized to acquire real property or interests therein for public uses and purposes,  
24 to wit: to realign to construct a grade separation across the existing Burlington Northern Santa Fe  
25 railroad tracks at Iowa Avenue, between Palmyrita Avenue and Spring Street.

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1           2.     Plaintiff City of Riverside ("City") commenced this eminent domain action to  
2 condemn the following property interests which are legally described in the attached exhibit  
3 "A":

4                   APN                                   Interest to be Acquired  
5                   247-140-035                           Temporary Construction Easement

6           3.     After a duly noticed public hearing and an opportunity to be heard in compliance  
7 with Code of Civil Procedure section 1245.235, on November 16, 2010, plaintiff's City Council  
8 adopted Resolution Number 22122 authorizing plaintiff to acquire the property described in the  
9 attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with  
10 sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and  
11 determined that: (a) the public interest and necessity require the proposed project, (b) the  
12 proposed project is planned and located in the manner that will be the most compatible with the  
13 greatest public good and least private injury, (c) the acquisition and taking of interests in the  
14 property sought to be acquired are necessary for the Project, and (d) the offer required by section  
15 7267.2 of the Government Code has been made to the owners of record of the Subject Property.

16           4.     Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Production Circle, LLC	Owner
East Riverside Land Company	Easement Holder
Zions First National Bank	Deed of Trust Trustee, Beneficiary
CDC Small Business Finance Corp.	Deed of Trust Beneficiary
Ticor Title Company of California	Deed of Trust Trustee
United States Small Business Administration	Possible Claimant
Charles Avila dba C.A. Construction	Lessee
State of California Franchise Tax Board	Lien Holder
Terry C. Tippie dba ShutterStories	Tenant
Pacific Monarch Resorts, Inc.	Tenant

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1 5. The following defendants filed disclaimers on the dates indicated below and are  
2 entitled to no compensation:

3 <u>DEFENDANT</u>	<u>DATE OF FILING</u>
4 Zions First National Bank	12/08/2010
5 CDC Small Business Finance Corp.	01/11/2011
6 Ticor Title Company of California	12/08/2011
7 United States Small Business Administration	03/17/2011
8 State of California Franchise Tax Board	03/23/2011
9 Pacific Monarch Resorts, Inc.	01/31/2011

10 6. The following defendants have been regularly served with process herein and  
11 having failed to appear or answer within the time allowed by law, had their defaults taken on the  
12 dates indicated below:

13 <u>DEFENDANT</u>	<u>DATE OF FILING</u>
14 East Riverside Land Company	07/21/2011
15 Terry C. Tippie dba ShutterStories	01/31/2011

16 7. On February 14, 2012, a Stipulation re Settlement and For Entry of Partial  
17 Judgment and Final Order of Condemnation ("Stipulation") was made and entered as to  
18 defendants Production Circle, LLC, and Charles Avila dba C.A. Construction (collectively  
19 "Production Circle"). Pursuant to said Stipulation, Production Circle is to be paid outside of  
20 these court proceedings.

21 8. On February 14, 2012, this court entered the Partial Judgment and Final Order of  
22 Condemnation ("Partial Judgment") re Production Circle.

23 9. On November 17, 2010, plaintiff deposited with the Office of the Treasurer for  
24 the state of California the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) as a  
25 deposit of probable just compensation for the property described in the attached exhibit "A."

26 10. The Partial Judgment re Production Circle entered by the court on February 14,  
27 2012, authorized withdrawal of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) from  
28 funds on deposit with the State Treasurer for APN 247-140-035.

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1 12. No funds remain on deposit with the State's Treasurer's Office.

2 13. An Order of Prejudgment Possession ("OPP") became effective in and to the  
3 property described in the attached exhibit "A" as follows:

4 <u>APN</u>	<u>DATE OF POSSESSION</u>
5 247-140-035	04/16/2011

6 21. The use for which an interest in and to the property described in the attached  
7 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is  
8 necessary to said use.

9 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in  
10 condemnation is hereby made in favor of the City of Riverside. The following defendants are  
11 entitled to no compensation or damages: East Riverside Land Company; Zions First National  
12 Bank; CDC Small Business Finance Corp.; Tigor Title Company of California; United States  
13 Small Business Administration; State of California Franchise Tax Board; Terry C. Tippie dba  
14 ShutterStories; Pacific Monarch Resorts, Inc.; and All Persons Unknown Claiming an Interest in  
15 the Property.

16 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
17 CONDEMNATION:

18 The interests of defendants East Riverside Land Company; Zions First National Bank;  
19 CDC Small Business Finance Corp.; Tigor Title Company of California; United States Small  
20 Business Administration; State of California Franchise Tax Board; Terry C. Tippie dba  
21 ShutterStories; Pacific Monarch Resorts, Inc.; and All Persons Unknown Claiming an Interest in  
22 the Property in the real property described in the attached exhibit "A" are hereby condemned for  
23 the public use and purpose described in the complaint herein, to wit, to construct a grade  
24 separation across the existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue,  
25 between Palmyrita Avenue and Spring Street, plaintiff to take title to the interest(s) of said  
26 defendants in said real property together with all improvements thereon in which said defendant  
27 has an interest, and except as otherwise described in the attached exhibit "A," free and clear of  
28 any and all liens, encumbrances, easements, and leaseholds of whatever kind or nature.

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The interest condemned to the City of Riverside in and to Assessor's Parcel Number 247-140-035 is legally described in Exhibit "A" hereto.

DATED: 2/16, 2011 *Laura M. M...*  
*Laura M. M...* JUDGE OF THE SUPERIOR COURT

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# EXHIBIT A

IOWA AVENUE OVERPASS  
POR. APN: 247-140-035  
TEMPORARY CONSTRUCTION EASEMENT

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

That portion of Parcel 2 of Parcel Map 31914 on file in Book 212 of Parcel Maps at Pages 39 through 40 thereof, Records of Riverside County, California, described as follows:

Beginning at the Northeast corner of said Parcel 2;

Thence N.89°27'59"W. along the Northerly line of said Parcel 2, a distance of 57.00 feet to a line parallel with and distant 57.00 feet Westerly, measured at right angles from the Easterly line of said Parcel 2;

Thence S.00°32'48"W. along said parallel line, a distance of 34.00 feet to a line parallel with and distant 34.00 feet Southerly, measured at right angles from the Northerly line of said Parcel 2;

Thence S.89°27'59"E. along said parallel line, a distance of 35.28 feet;

Thence S.42°39'39"E., a distance of 12.00 feet to a line parallel with and distant 13.50 feet Westerly, measured at right angles from the Easterly line of said Parcel 2;

Thence S.00°32'48"W. along said parallel line, a distance of 135.83 feet;

Thence S.59°21'04"W., a distance of 16.69 feet;

Thence S.30°38'56"E., a distance of 1.97 feet to the Southeasterly line of said Parcel 2;

Thence Northeasterly along said Southeasterly line on a non-tangent curve concave Northwesterly having a radius of 43.50 feet, through an angle of 50°10'50", an arc length of 38.10 feet (the initial radial line bears S.17°52'11"E.) to the Easterly line of said Parcel 2;



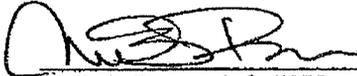
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Thence N.00°32'48"E. along said Easterly line, a distance of 163.52 feet to the point of beginning.

The above described parcel of land contains 3,912 square feet, more or less.

This temporary easement and right-of-way shall terminate 16 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by City as demonstrated by recordation of a notice of completion, whichever occurs first.

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

 10/5/2010 Prep. E.V.  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/11



8 pages This must be in red to us  
"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.

County of Riverside

by K. Deutman  
DEPUTY

Dated 3/9/2012



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

