

Recording requested by the
CITY OF RIVERSIDE
when recorded return to:

DOC # 2012-0101763

03/06/2012 11:19A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

BEST BEST & KRIEGER, LLP
3750 University Avenue
P.O. Box 1028
Riverside, CA 92502
Attention: Lisa E. Dunham



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This document is recorded at the request of the CITY OF RIVERSIDE pursuant to Section 27383 of the Government Code. No fee shall be charged therefore.



D-16776

FINAL ORDER OF CONDEMNATION

CITY OF RIVERSIDE, a municipal corporation,

v.

CHARLES R. ROSENBERRY, et al.

Riverside Superior Court Case No. RIC 452579

(Assessor Parcel Nos. 187-230-002, 187-230-013 and 187-230-014)

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GREG PRIAMÓS, Bar No. 136766
HERIBERTO F. DIAZ, Bar No. 132821
DEPUTY CITY ATTORNEY
CITY OF RIVERSIDE
3900 Main Street, 5th Floor
Riverside, California 92501
Telephone: (951) 826-5567
Telecopier: (951) 826-5540

MARK A. EASTER, Bar No. 143435
BEST BEST & KRIEGER LLP
3750 University Avenue
P.O. Box 1028
Riverside, California 92502
Telephone: (951) 686-1450
Telecopier: (951) 686-3083

Attorneys for Plaintiff,
CITY OF RIVERSIDE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a municipal
corporation,

Plaintiff,

v.

CHARLES R. ROSENBERY, et al.

Defendants.

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 23 2012

[Handwritten Signature]

CC
FEB 23 2012
[Stamp]

Case No. RIC 452579

FINAL ORDER OF CONDEMNATION AS
TO ASSESSOR PARCEL NUMBERS 187-
230-002, 187-230-013 and 187-230-014

Complaint Filed: June 30, 2006



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1 Judgment in condemnation having been entered in the above-entitled action, and it
2 appearing to the satisfaction of the Court that Plaintiff, City of Riverside (the "City"), pursuant to
3 said judgment, has paid to Defendants Jurupa Mini-Units, A Partnership, Robert B. Blumenthal,
4 W.A. Hlavaty, Trustee of the Edward L. Rosenberry Trust, Jon B. Blumenthal, Trustee of the Jon
5 B. Blumenthal Trust (collectively, "the Rosenberry Defendants"), by deposit into escrow, the sum
6 of One Million Five-Hundred Eighty Thousand Dollars (\$1,580,000.00) plus accrued interest, and
7 has transferred to Defendants, by way of executed grant deeds deposited into escrow, the real
8 property interests described in the Judgment entered in this action, pursuant to the Stipulation and
9 Order for Judgment in Condemnation, for all claims or demands, including costs, interest,
10 severance damages, fixtures and equipment, loss of business goodwill, relocation assistance, loss
11 of or damage to improvements pertaining to the realty, fixtures and equipment, and/or inventory,
12 damages for precondemnation or inverse condemnation, attorneys' fees, costs and litigation
13 expenses of Defendants against the City by reason of the acquisition of the Property located on
14 Jurupa Avenue, in the City of Riverside, California, more particularly described as certain
15 portions of Assessor Parcel Numbers 187-230-002, 187-230-013 and 187-230-014 (the
16 "Property"), arising from the taking and construction and use of the Project in the manner
17 proposed excepting therefrom any and all rights and remedies Defendants may have pursuant to
18 the Real Property Transfer Agreement and the Stipulation and Judgment. These fee, temporary
19 construction and slope easement interests are more particularly described in Exhibit "A" attached
20 hereto.

21
22 With respect to APN 187-230-014 and each slope, each slope easement area, identified in
23 the Stipulation and Judgment in Condemnation and the Real Property Transfer Agreement, the
24 City will maintain the area of each slope in a weed free and trash free condition, in compliance
25 with Riverside Municipal Code. The temporary construction easement has expired as the Jurupa
26 Underpass Project (the "Project") is complete.

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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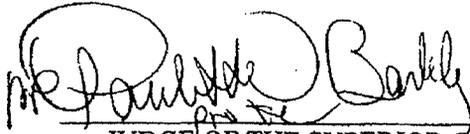


16776

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Property is given
2 for and condemned to Plaintiff to build an underpass for an at-grade railroad crossing on Jurupa
3 Avenue in the City of Riverside, California, and for such other uses as are permitted pursuant to
4 the authority granted to it by section 37350.5, 39792, and 40404 of the California Government
5 Code.

6
7 Fee, temporary construction and slope easement interests to the Property (portions of
8 Assessor Parcel Numbers 187-230-002, 187-230-013 and 187-230-014) shall vest in the City on
9 the date that a certified copy of this Final Order of Condemnation is recorded in the Office of the
10 Recorder of Riverside County, California. All liens, charges, conditions, and restrictions on the
11 Property are extinguished, including without limitation all real property taxes, assessments,
12 penalties and costs from and after October 29, 2006, the date that the City was entitled to take
13 possession of the Property.

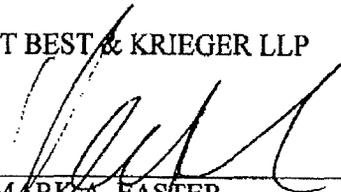
14 DATED: 2/21/12


JUDGE OF THE SUPERIOR COURT

16 APPROVED AS TO FORM AND CONTENT.

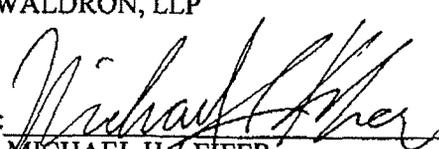
17 Dated: February 7, 2012

BEST BEST & KRIEGER LLP

18 By: 
19 MARK A. EASTER
20 MONA M. NEMAT
21 Attorneys for Plaintiff
22 City of Riverside

23 Dated: February 3, 2012

PALMIERI, TYLER, WIENER, WILHELM
& WALDRON, LLP

24 By: 
25 MICHAEL H. LEIFER
26 MICHAEL I. KEHOE
27 Attorneys for Defendants, Edward L.
28 Rosenberry, et al.

- 2 -

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FINAL ORDER OF CONDEMNATION AS TO APNS: 187-230-002, 187-230-013 & 187-230-014

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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Definitions of Legal Rights to be Acquired

"Fee," also known as fee simple or fee simple absolute, refers to complete or absolute ownership of the property.

"Easement" grants to the City of Riverside (the "City"), including its successors and assigns, a permanent and perpetual easement, together with the right to forever maintain, improve, alter, relocate, inspect, occupy and use for the construction and maintenance of streets and use of underground lines, power poles, public utilities, and other public uses, as determined necessary by the City together with all necessary rights of ingress and egress to the easement area in connection with the exercise of any of the easement rights.

Property owners shall not erect or construct, or permit to be erected or constructed, any building, structure or improvement on, over or under any portion of the easement, or plant any tree or trees or plant any other vegetation or flora on any portion of the easement except at the written consent of the City.

The City shall be entitled to trim, cut, or clear away any trees, brush, or other vegetation or flora from time to time determined in its sole discretion without payment of any additional compensation.

No other easement or easements shall be granted on, under or over the easement without obtaining the prior written consent of the City.

"Right of Entry" refers to the rights of plaintiff, its successors and assigns, to lawfully access the property for the purpose of construction and maintenance of the project, and any and all other public uses.

"Temporary construction easement" refers to the right of plaintiff, its successors and assigns, to engage in construction and related activities for the project as referred to in the complaint, together with all necessary rights of ingress and egress to the easement area in connection with the exercise of any of the easement rights.

Prior to termination of this easement, property owners shall not erect or construct, or permit to be erected or constructed, any building, structure or improvement on, over or under any portion of the easement, nor shall property owners plant any tree or trees or plant any other vegetation or flora on any portion of the easement except at the written consent of plaintiff.

Plaintiff shall be entitled to trim, cut, or clear away any trees, brush, or other vegetation or flora from time to time as plaintiff determines in its sole discretion without payment of any additional compensation to property owners.

No other easement or easements shall be granted on, under, or over this easement without obtaining the prior written consent of plaintiff.



The duration of the rights under this easement shall not be for less than eighteen (18) months from the commencement of construction on the applicable parcel.



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EXHIBIT 'A'
Page 3 of 7

Parcel 029
FOR. A.P.N. 187-230-002
Parcel 029 D - Fee Simple Interest

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 A of Tract No. 2 of the Riverview Addition to the City of Riverside, as shown by map on file in Book 6, Page 63 of Maps, records of Riverside County, California, lying southerly of the following described line:

COMMENCING at the intersection of the northwesterly line of Parcel No. 2 of Record of Survey on file in Book 47, Page 28 of Record of Surveys, records of Riverside County, California, with the northerly line of L.A. & Salt Lake Railroad Right-of-Way, as shown by Parcel Map 17596, on file in Book 112, Pages 33 and 34 of Parcel Maps, records of said Riverside County:

THENCE North $45^{\circ}45'18''$ East, along said northwesterly line, a distance of 0.57 of a foot to the POINT OF BEGINNING of this line description;

THENCE North $86^{\circ}11'00''$ East, a distance of 107.66 feet;

THENCE North $56^{\circ}09'30''$ East, a distance of 10.84 feet to the beginning of a tangent curve concaving southerly and having a radius of 789.49 feet;

THENCE easterly to the right along said curve through a central angle of $27^{\circ}52'00''$ an arc length of 383.98 feet to the northwesterly line of said Parcel No. 2, and the END of the line description;

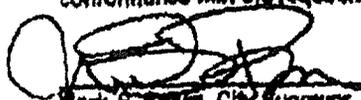
EXCEPTING THEREFROM that portion of said Parcel No. 2, lying southerly of said northerly line of L.A. & Salt Lake Railroad Right-of-Way;

ALSO EXCEPTING THEREFROM that portion of said Lot 2, lying within Parcel No. 1 of said Record of Survey;

ALSO EXCEPTING THEREFROM that portion of said Lot 2, lying northwesterly of said northwesterly line of Parcel No. 2.

Area - 10,563 square feet.

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

 10/20/10 Prep. _____
Mark S. Brown, City Surveyor Date
L.S. 5855 License Expires 9/30/11



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EXHIBIT 'A'
Page 4 of 7

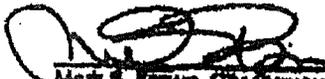
POR. A.P.N. 167-230-013
Temporary Construction Easement

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

The southerly 55.00 feet of the easterly 55.00 feet of Parcel 1 of Parcel Map 17596, as shown by map on file in Book 112, Pages 33 and 34 of Parcel Maps, records of Riverside County, California.

Area - 3,025 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, City Surveyor
L.S. 5655 License Expires 8/30/11
Date 10/26/2010



2012-0101763
03/06/2012 11:15A
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EXHIBIT 'A'
Page 5 of 7

POR. A.P.N. 187-230-014
Slope 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 17596, as shown by map on file in Book 112, Pages 33 and 34 of Parcel Maps, records of Riverside County, California, described as follows:

BEGINNING at the southeast corner of said Parcel 2;

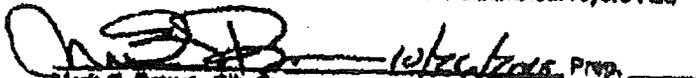
THENCE North $85^{\circ}09'31''$ West, along the southerly line of said Parcel 2, a distance of 100 feet;

THENCE South $89^{\circ}43'57''$ East, a distance of 100.32 feet to a point in the easterly line of said Parcel 2, distant thereon 8.00 feet northerly from said southeast corner of said Parcel 2;

THENCE South $4^{\circ}50'29''$ West, along said easterly line, a distance of 8.00 feet to the POINT OF BEGINNING.

Area - 400 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, City Surveyor
L.S. 5658 License Expires 9/30/11



2812-9181763
03/06/2012 11:18A
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EXHIBIT 'A'
Page 6 of 7

FOR A.P.N. 187-230-014
Temporary Construction Easement

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

The southerly 55.00 feet of Parcel 2 of Parcel Map 17586, as shown by map on file in Book 112, Pages 33 and 34 of Parcel Maps, records of Riverside County, California;

EXCEPTING THEREFROM the easterly 163.72 feet of the northerly 43.00 feet of said southerly 55.00 of said Parcel 2;

ALSO EXCEPTING THEREFROM that portion of said Parcel 2, described as follows:

BEGINNING at the southeast corner of said Parcel 2;

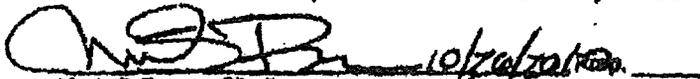
THENCE North 85°09'31" West, along the southerly line of said Parcel 2, a distance of 100 feet;

THENCE South 89°43'57" East, a distance of 100.32 feet to a point in the easterly line of said Parcel 2, distant therein 8.00 feet northerly from said southeast corner of said Parcel 2;

THENCE South 4°50'29" West, along said easterly line, a distance of 8.00 feet to the POINT OF BEGINNING.

Area - 4,700 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, City Surveyor
L.S. 5885 License Expires 9/30/11
Date 10/26/2010



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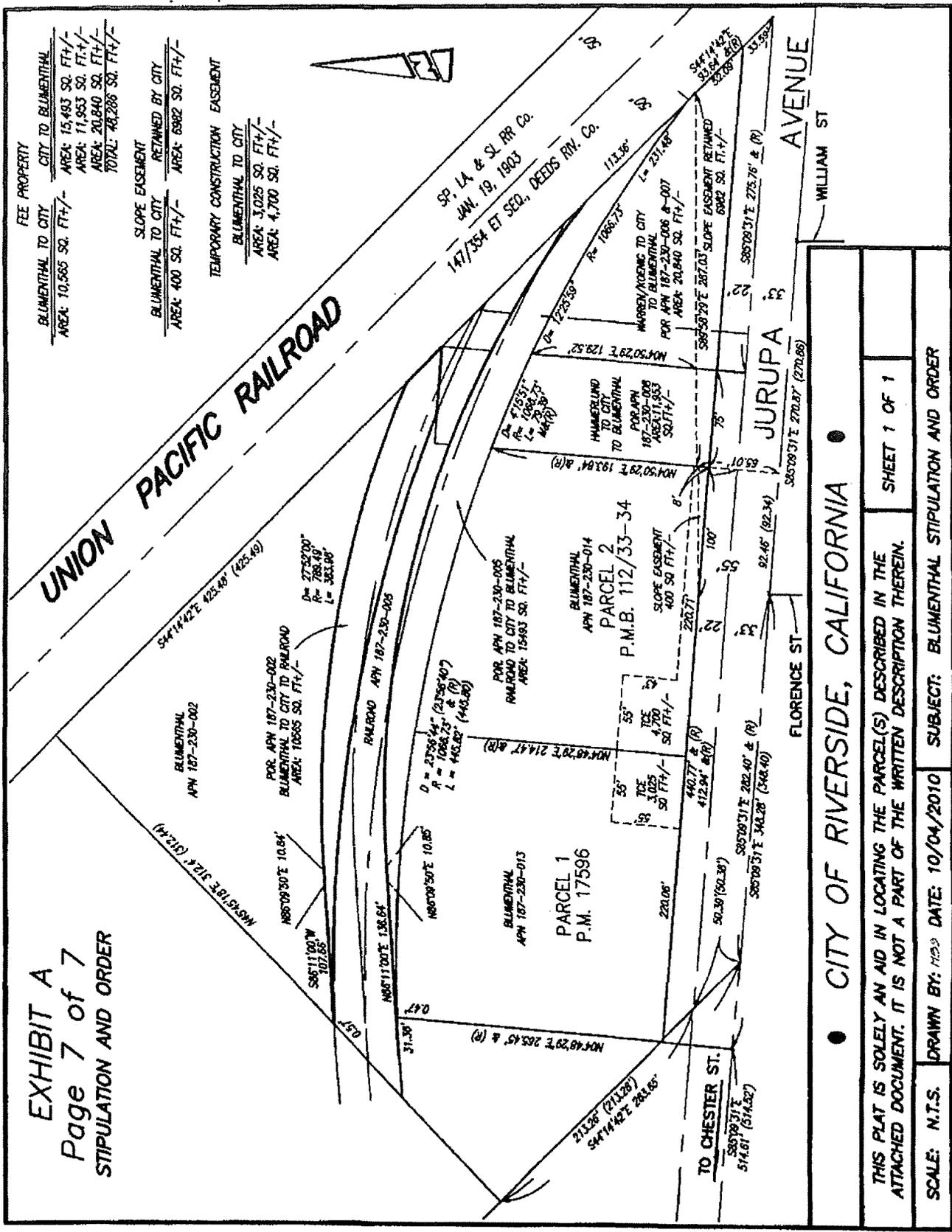


EXHIBIT A
Page 7 of 7
STIPULATION AND ORDER

FEE PROPERTY
 BLUMENTHAL TO CITY AREA: 10,565 SQ. FT./-
 CITY TO BLUMENTHAL AREA: 15,493 SQ. FT./-
 AREA: 11,953 SQ. FT./-
 AREA: 20,840 SQ. FT./-
 TOTAL: 48,288 SQ. FT./-

SLOPE EASEMENT
 BLUMENTHAL TO CITY AREA: 400 SQ. FT./-
 RETAINED BY CITY AREA: 6982 SQ. FT./-

TEMPORARY CONSTRUCTION EASEMENT
 BLUMENTHAL TO CITY AREA: 3,025 SQ. FT./-
 AREA: 4,700 SQ. FT./-



● 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: <i>m29</i> DATE: 10/04/2010
SUBJECT: BLUMENTHAL STIPULATION AND ORDER	

16776



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):

EXHIBIT "A"
Page 3 of 7

Parcel 029
For A.P.N. 187-230-002
Parcel 029D – Fee Simple Interest

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 A of Tract No. 2 of the Riverview Addition to the City of Riverside, as shown by map on file in Book 6, Page 63 of Maps, records of Riverside County, California, lying southerly of the following described line:

COMMENCING at the intersection of the northwesterly line of Parcel No. 2 of Record of Survey on file in Book 47, Page 28 of Record of Surveys, records of Riverside County, California, with the northerly line of L.A. & Salt Lake Railroad Right-of-Way, as shown by Parcel Map 17596 on file in book 112, Pages 33 and 34 of Parcel Maps, records of said Riverside County;

THENCE North 45°45'18" East, along said northwesterly line, a distance of 0.57 of a foot to the POINT OF BEGINNING of this line description;

THENCE North 86°11'00" East, a distance of 107.66 feet;

THENCE North 86°09'50" East, a distance of 10.84 feet to the beginning of a tangent curve concaving southerly and having a radius of 789.49 feet;

THENCE Easterly to the right along said curve through a central angle of 27°52'00" an arc length of 383.98 feet to the northeasterly line of said Parcel No. 2, and the END of this line description;

EXCEPTING THEREFROM that portion of said Parcel No. 2, lying southerly of said northerly line of L.A. & Salt Lake Railroad Right-of-Way;

ALSO EXCEPTING THEREFROM that portion of said Lot 2, lying within Parcel No. 1 of said Record of Survey;

ALSO EXCEPTING THEREFROM that portion of said Lot 2, lying northwesterly of said northwesterly line of Parcel No. 2.

Area - 10,565 square feet.

Date:

May 1, 2012

Signature:

[Handwritten Signature]

Print Name:

MARK A. EASTER

2012-0101763
03/06/2012 11:19A
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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):

EXHIBIT "A"
Page 4 of 7

FOR A.P.N. 187-230-013
Temporary Construction Easement

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

The southerly 55.00 feet of the easterly 55.00 feet of Parcel 1 of Parcel Map 17596, as shown by map on file in Book 112, pages 33 and 34 of Parcel Maps, records of Riverside County, California.

Area - 3,025 square feet.

2012-0101763
02/06/2012 11:19A
14 of 16



Date: March 1, 2012
Signature: [Handwritten Signature]
Print Name: Mark A. Keister



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

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EXHIBIT "A"
Page 5 of 7

FOR. A.P.N. 187-230-014
Slope 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 17596, as shown by map on file in Book 112, Pages 33 and 34 of Parcel Maps, records of Riverside County, California, described as follows:

BEGINNING at the southeast corner of said Parcel 2;

THENCE North 85°09'31" West, along the southerly line of said Parcel 2, a distance of 100 feet;

THENCE South 89°43'57" East, a distance of 100.32 feet to a point in the easterly line of said Parcel 2, distant therein 8.00 feet northerly from said southeast corner of said Parcel 2;

THENCE South 4°50'29" West, along said easterly line, a distance of 8.00 feet to the POINT OF BEGINNING.

Area - 400 square feet.

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03/06/2012 11:15AM
15 of 16



Date: 3/1/12

Signature: [Handwritten Signature]

Print Name: MINT A. EOSTER



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

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

EXHIBIT "A"
Page 6 of 7

FOR. A.P.N. 187-230-014
Temporary Construction Easement

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The southerly 55.00 feet of Parcel 2 of Parcel Map 17596, as shown by map on file in Book 112, Pages 33 and 34 of Parcel Maps, records of Riverside County, California;

EXCEPTING THEREFROM the easterly 163.72 feet of the northerly 43.00 feet of said southerly 55.00 of said Parcel 2;

ALSO EXCEPTING THEREFROM that portion of said Parcel 2, described as follows:

BEGINNING at the southeast corner of said Parcel 2;

THENCE North 85°09'31" West, along the southerly line of said Parcel 2, a distance of 100 feet;

THENCE South 89°43'57" East, a distance of 100.32 feet to a point in the easterly line of said Parcel 2, distant therein 8.00 feet northerly from said southeast corner of said Parcel 2;

THENCE South 4°50'29" West, along said easterly line, a distance of 8.00 feet to the POINT OF BEGINNING.

Area - 4.700 square feet.

Date: 3-2-12

Signature: [Handwritten Signature]

Print Name: Mark A. Keiser

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03/06/2012 11:19A
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