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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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**JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1119652**



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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."

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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JAN 30 2013
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(Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and) Case No. RIC1119652
11 municipal corporation,) Assigned to the Honorable
12 Plaintiff,) Commissioner Daniel A. Ottolia
13 vs.) Dept. 2
14 FRANCISCO MANZO PIZANO; et al.,)
15 Defendants.) **JUDGMENT AND FINAL ORDER OF
CONDEMNATION**
APN 190-203-003

[Submitted herewith: Application for Entry of
Judgment and Final Order of Condemnation]

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

IT IS HEREBY FOUND AND DETERMINED:

21 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
22 the State of California, section 1240.010 of the Code of Civil Procedure of the State of
23 California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of
24 Riverside is authorized to acquire real property or interests therein for public uses and purposes,
25 to wit: to construct a grade separation along Streeter Avenue from Beatty Drive to Lantana
26 Street.
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2. Plaintiff City of Riverside ("City") commenced this eminent domain action to condemn a fee simple interest which is legally described in the attached exhibit "A."

3. After a duly noticed public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on December 6, 2011, plaintiff's City Council adopted Resolution Number 22302 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined that: (a) the public interest and necessity require the proposed project, (b) the proposed project is planned and located in the manner that will be the most compatible with the greatest public good and least private injury, (c) the acquisition and taking of interests in the property sought to be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the Government Code has been made to the owners of record of the Subject Property.

4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Francisco Manzo Pizano	Owner
Eva Ceja De Manzo	Owner
Pacific Bell Telephone Company f/k/a Pacific Telephone and Telegraph Company	Easement Holder
First American Title Insurance Company	Deed of Trust Trustee
Mountain West Financial, Inc.	Potential Claimant
ReconTrust Company, N.A.	Deed of Trust Trustee
Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Servicing LP	Deed of Trust Beneficiary

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1 5. Pursuant to a Stipulation re Settlement and for Dismissal of Defendants Bank of
2 America, N.A., and ReconTrust Company, N.A., filed herein on January 8, 2013, the following
3 defendants were dismissed on the date indicated below and are entitled to no further
4 compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
ReconTrust Company, N.A.	01/10/2013
Bank of America, N.A.	01/10/2013

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Francisco Manzo Pizano	01/17/2013
Eva Ceja De Manzo	01/17/2013
First American Title Insurance Company	02/08/2012
Mountain West Financial, Inc.	02/08/2012

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18 7. On June 5, 2012, the court entered an Interlocutory Judgment in Condemnation as
19 to Defendant Pacific Bell Telephone Company.

20 8. On December 7, 2011, plaintiff deposited with the Office of the Treasurer for the
21 state of California the amount of One Hundred Seventy Thousand Dollars (\$170,000.00) as a
22 deposit of probable just compensation for the property described in the attached exhibit "A."

23 9. On May 2, 2012, the court entered an Order re Defendants Bank of America,
24 N.A.'s and ReconTrust Company, N.A.'s Verified Application for Withdrawal of Deposit of
25 Probable Just Compensation ("Withdrawal Order").

26 10. On or about June 22, 2012, the State Treasurer's Office disbursed payment
27 pursuant to the Withdrawal Order and no funds remain on deposit with the State Treasurer's
28 Office.



1 11. The use for which an interest in and to the property described in the attached
2 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is
3 necessary to said use.

4 12. On May 20, 2012, an Order of Prejudgment Possession became effective in and to
5 the property described in the attached exhibit "A."

6 13. The total of all applicable unpaid taxes, penalties, and costs for prior, current, and
7 next succeeding tax years, prorated, to the date of possession are as follows:

<u>Assessor's Parcel Number</u>	<u>Total Unpaid Taxes, Penalties and Costs</u>
190-203-003	\$0

10 14. The defendant "All Persons Unknown Claiming an Interest in the Property" was
11 dismissed without prejudice from this action by plaintiff concurrently with the submission of
12 this judgment.

13 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
14 condemnation is hereby made in favor of the City of Riverside. The following defendants are
15 entitled to no compensation or damages: Francisco Manzo Pizano; Eva Ceja De Manzo; Pacific
16 Bell Telephone Company f/k/a Pacific Telephone and Telegraph Company; First American Title
17 Insurance Company; and Mountain West Financial, Inc. (collectively "Defendants").

18 An Order of Prejudgment Possession became effective as to the interest of Defendants in
19 and to Assessor's Parcel Number 190-203-003 on May 20, 2012. Pursuant to Revenue and
20 Taxation Code section 5082, all current, general, and special county taxes due and owing to the
21 county of Riverside as to the property shall be prorated to May 20, 2012. As of May 20, 2012,
22 the property shall be exempt from general and special county taxes and all such taxes shall be
23 canceled after that date pursuant to Revenue and Taxation Code sections 4985 et seq. and 5081
24 et seq.

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

27 The interests of defendants Francisco Manzo Pizano; Eva Ceja De Manzo; Pacific Bell
28 Telephone Company f/k/a Pacific Telephone and Telegraph Company; First American Title



1 Insurance Company; and Mountain West Financial, Inc., in the real property described in the
2 attached exhibit "A" are hereby condemned for the public use and purpose described in the
3 complaint herein, to wit, to construct a grade separation along Streeter Avenue from Beatty
4 Drive to Lantana Street, plaintiff to take title to the interest(s) of said defendants in said real
5 property together with all improvements thereon in which said defendant has an interest, and
6 except as otherwise described in the attached exhibit "A," free and clear of any and all liens,
7 encumbrances, easements, and leaseholds of whatever kind or nature.

8 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
9 190-203-003 are legally described in Exhibit "A" hereto.

10
11 DATED: 1-28-13


12 JUDGE OF THE SUPERIOR COURT

13 Daniel A. Ottolia

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15 L08-0206.1



EXHIBIT A



2013-0059458
02/04/2013 11:28A
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6447 Streeter Avenue
A.P.N. 190-203-003
Fee Simple Interest

That certain real property located in the City of Riverside, County of Riverside, State of California, as described in Interspousal Transfer Deed to Francisco Manzo Pizano, et ux., by document recorded December 26, 2006, per Document No. 2006-0941376 of Official Records of said Riverside County, described as follows:

Lot 138 of Halecrest Sun Gardens Unit No. 2, as per map recorded in Book 29, Pages 79 and 80 of Maps, in the Office of the County Recorder of said County.

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

 9/20/11 Date Prep. 
Mark S. Brown, L.S. 5655
License Expires 9/30/13

