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3900 Main Street
Riverside, CA 92522
Ref: CA# L09-0233.1

DOC # 2013-0179334

04/16/2013 03:46P 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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**PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS
TO DEFENDANTS MANUEL R. ARTEAGA, JR., SILVIA ARTEAGA,
AND MANUEL ARTEAGA DBA LA SIERRA DENTAL CENTER
CASE NO. RIC542539**



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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."

MAR 27 2013

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 05 2013

Dorothy
L. Howell

ELO

APR 08 2013
B

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

11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF RIVERSIDE

14 CITY OF RIVERSIDE, a California charter city and) Case No. RIC542539.
15 municipal corporation,)
16 Plaintiff,) **PARTIAL JUDGMENT AND FINAL**
17 vs.) **ORDER OF CONDEMNATION AS TO**
18 MANUEL R. ARTEAGA JR, etc.; et al.) **DEFENDANTS MANUEL R. ARTEAGA,**
19 Defendants.) **JR., SILVIA ARTEAGA, AND**
) **MANUEL ARTEAGA DBA LA SIERRA**
) **DENTAL CENTER**

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

20 Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter
21 "City"), by and through Brandon S. Mercer, Deputy City Attorney, and defendants Manuel R.
22 Arteaga, Jr., individually, Silvia Arteaga, individually, and Manuel Arteaga dba La Sierra Dental
23 Center ("Defendants"), by and through their attorneys, Century Law Group, LLP, that a
24 Partial Judgment and Final Order of Condemnation as to Assessor's Parcel Number 146-162-020
25 may be made and entered herein in accordance with the terms and conditions hereof without
26 further notice to said defendants,
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28

CITY ATTORNEY'S OFFICE
1980 MAIN STREET
RIVERSIDE, CA 92522
(951) 826-5567

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PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS MANUEL R. ARTEAGA, JR., SILVIA ARTEAGA, AND MANUEL ARTEAGA DBA LA SIERRA DENTAL CENTER



2013-0179334
64/16/2013 03:46P
2 of 11

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IT IS HEREBY FOUND AND DETERMINED:

1. The interest of Defendants in and to the real property designated in the complaint as Assessor's Parcel Number 146-162-020 is fee simple absolute. The interests being acquired by the City through this eminent domain action is a fee simple, as more particularly described in Exhibit 'A' hereto.

2. By execution of the Stipulation for Entry of Partial Judgment and Final Order of Condemnation herein ("Stipulation"), 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 Assessor's Parcel Number 146-162-020, and the right and time for appeal.

3. By execution of the Stipulation, Defendants expressly waive the right to challenge the City's right to acquire the property by eminent domain as well as the right to further and greater compensation.

4. By execution of the Stipulation, the total compensation is in complete settlement of any and all claims for compensation arising from the taking of the real property described in Exhibit 'A' hereto ("Subject Property"), including costs, statutory interest, severance damages, fixtures, equipment, or inventory, loss of business goodwill, loss of or damage to improvements pertaining to the realty, damages for precondemnation or inverse condemnation, attorney's fees, all costs and litigation expenses of Defendant against the City by reason of taking of the Subject Property. Relocation benefits are not a part of this eminent domain action and Defendants do not waive the right to make a claim for reimbursement of relocation benefits.

5. Pursuant to the Stipulation, Defendants make a knowing waiver of any and all rights created by California Civil Code section 1542. Relocation benefits are not a part of this eminent domain action and Defendants do not waive the right to make a claim for reimbursement of relocation benefits.

6. Pursuant to the Stipulation, the total amount of just compensation to be paid by plaintiff to Defendants is the sum of Six Hundred Thousand Dollars (\$600,000.00) ("Award").

7. In addition to the Award, plaintiff shall pay Defendants \$6,130 as reimbursement for costs associated with their real estate appraisal of the subject property ("Costs").



16883

1 8. On December 18, 2009, the City deposited the sum of Five Hundred Eighteen
2 Thousand Eight Hundred Forty Dollars (\$518,840.00) with the Treasurer of the State of
3 California, Condemnation Fund, as a deposit of probable just compensation for Assessor's Parcel
4 Number ("APN") 146-162-020 apportioned to Defendants as follows:

Defendant	Interest	Deposit Amount
Manuel R. Arteaga Jr., Silvia Arteaga	Real Estate	\$485,000
La Sierra Dental Center	Fixtures & Equipment	\$33,840

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10 9. On September 30, 2010, the court entered an Order for Withdrawal of Deposit of
11 Probable Compensation ("Withdrawal Order") in favor of Defendants in the amount
12 \$518,840.00.

13 10. On or about December 6, 2010, the Treasurer of the State of California disbursed
14 payment in the amount of \$518,840.00 pursuant to the Withdrawal Order. No funds remain on
15 deposit for APN 146-162-020.

16 11. Payment of that portion of the Award remaining to be paid in the amount of
17 Eighty-one Thousand One Hundred Sixty Dollars (\$81,160.00) ("Award Balance"), plus \$6,130
18 for Costs as set forth in paragraph 7 above, less Twenty-four Thousand Seven Hundred Fifty-one
19 Dollars and Twenty-three Cents (\$24,751.23) owed for past-due real property taxes as set forth
20 in paragraph 13 below, for a total payment to Defendants in the amount of \$62,538.77, shall be
21 made by the City within thirty (30) days after entry of the Partial Judgment and Final Order of
22 Condemnation submitted with this stipulation.

23 12. Defendants are entitled to recover interest pursuant to Code of Civil Procedure
24 section 1268.350 on the sum of \$81,160.00 for the period of May 10, 2010 to the date of entry of
25 judgment.

26 13. Taxes shall be prorated in accordance with Revenue and Taxation Code sections
27 5081 through 5091 as of the date when the City took possession of the subject property under the
28 order for possession. Pursuant to Revenue and Taxation Code section 5084, Twenty-four

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1000 MAIN STREET
RIVERSIDE, CA 92522
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1 Thousand Seven Hundred Fifty-one Dollars and Twenty-three Cents (\$24,751.23) shall be
2 deducted from the Award Balance to satisfy past-due taxes owed to the County of Riverside,
3 together with penalties and interest thereon, through the date the City took possession of the
4 property, May 10, 2010.

5 14. An Order of Prejudgment Possession became effective as to the interest of
6 Defendants in and to Assessor's Parcel Number 146-162-020 on May 10, 2010.

7 15. The use for which an interest in and to Assessor's Parcel Number 146-162-020 is
8 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
9 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 Manuel R. Arteaga, Jr., individually, Silvia Arteaga,
13 individually, and Manuel Arteaga dba La Sierra Dental Center ("Defendants") in and to
14 Assessor's Parcel Number 146-162-020 is the total sum of Six Hundred Thousand Dollars
15 (\$600,000.00) ("Award").

16 2. Payment of the Award and Costs hereunder shall be deemed to expressly include
17 all costs of suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation
18 expenses including, but not limited to, those defined in California Code of Civil Procedure
19 section 1235.140. Payment hereunder shall further be deemed to be the total just compensation
20 and damages, if any, to which Defendant shall be entitled by reason of the condemnation of
21 Assessor's Parcel Number 146-162-020.

22 3. That portion of the Award remaining to be paid herein in the amount of Eighty-
23 one Thousand One Hundred Sixty Dollars (\$81,160.00) ("Award Balance"), plus \$6,130 for
24 Costs as set forth in paragraph 7 above, less \$24,751.23 owed for past-due real property taxes as
25 set forth in paragraph 13 above, for a total payment to Defendants in the amount of \$62,538.77,
26 shall be paid by plaintiff outside these court proceedings to Defendants as follows: the draft shall
27 be made payable to "Century Law Group LLP Client Trust Account" and forwarded to:

28 ///

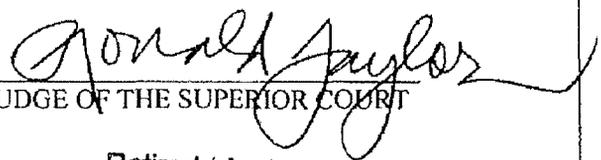


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WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
CONDEMNATION:

The interest of defendants Manuel R. Arteaga, Jr., individually, Silvia Arteaga,
individually, and Manuel Arteaga dba La Sierra Dental Center ("Defendant") in the real property
described in Exhibit "A" as to Assessor's Parcel Number 146-162-020 is hereby condemned for
the public use and purposes described in the Complaint as the realignment of La Sierra Avenue,
Hole Avenue, and Pierce Street at Five Points. Plaintiff City of Riverside to take title to the
interests of Defendant 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.

DATED: 3/29/13


JUDGE OF THE SUPERIOR COURT

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Retired / Assigned
Judge Ronald L. Taylor



EXHIBIT A



2013-0179334
04/16/2013 03:46P
8 of 11

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FIVE POINTS
A.P.N. 146-162-020
FEE SIMPLE INTEREST

ALL OF THAT CERTAIN REAL PROPERTY AS CONVEYED TO MANUEL R. ARTEAGA, JR., AND SILVIA ARTEAGA, BY GRANT DEED RECORDED MAY 31, 2006, AS DOCUMENT NO. 2006-0393743 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 1 IN BLOCK 60 OF TRACT NO. 2 OF LA SIERRA HEIGHTS AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 68 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 1, DISTANT 70.00 FEET MEASURED ON THE SOUTHEASTERLY LINE OF SAID LOT 1, FROM THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.00 FEET TO A POINT;

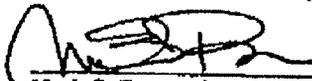
THENCE SOUTHWESTERLY, PARALLEL TO THE SOUTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET TO A POINT;

THENCE SOUTHEASTERLY, PARALLEL TO THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.00 FEET, TO A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 1;

THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.155 ACRES, MORE OR LESS.

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 9/30/09

10/15/08 Date
Prep. E.V.



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

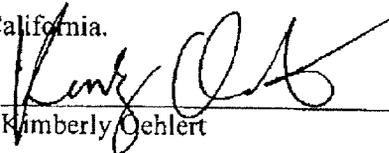
On March 27, 2013, I served the within PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS MANUEL R. ARTEAGA, JR., SILVIA ARTEAGA, AND MANUEL ARTEAGA DBA LA SIERRA DENTAL CENTER on the interested parties in said action addressed as follows:

Edward O. Lear, Esq. Daniel A. Woodford, Esq. Rizza Gonzales, Esq. CENTURY LAW GROUP, LLP 5200 W. Century Blvd., Ste. 345 Los Angeles CA 90045 Tel: 310-642-6900 Fax: 310-642-6910	Attorneys for defendants: Manuel R. Arteaga, Jr., individually, Silvia Arteaga, individually, and Manuel Arteaga dba La Sierra Dental Center
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(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.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on March 27, 2013, at Riverside, California.


Kimberly Oehlert



2013-0179334
04/16/2013 03:46P
10 of 11

16883