

When Recorded Mail To:

**Riverside City Attorney's Office**  
3900 Main Street  
Riverside, CA 92522  
Ref: CA# L14-0033.07

**DOC # 2014-0335678**

09/04/2014 11:57A Fee:NC

Page 1 of 11

Recorded in Official Records  
County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



*(Handwritten mark)*

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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
			11						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC						T:	CTY	UNI	512

Space above this line reserved for Recorder's use.



**JUDGMENT AND FINAL ORDER OF CONDEMNATION**

APN 147-251-021

CASE NO. RIC1403181

D- 17087

<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."



1 CRISTINA L. TALLEY, Interim City Attorney, SBN 107298  
2 KRISTI J. SMITH, Supv. Deputy City Attorney, SBN 120218  
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 bmercerc@riversideca.gov

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
AUG 27 2014  
M.E. Perez

6 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

ANT  
SEP - 2 2014

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city  
11 and municipal corporation,

11 Plaintiff,

12 vs.

13 SAUL V. MARTINEZ; et al,

14 Defendants.

Case No.: RIC1403181  
ASSIGNED TO THE HONORABLE  
JUDGE JOHN W. VINEYARD  
Dept. 7

**JUDGMENT AND FINAL ORDER OF  
CONDEMNATION**

APN 147-251-021

Complaint Filed: April 1, 2014  
CMC: October 1, 2014

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

20 IT IS HEREBY FOUND AND DETERMINED:

21 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code  
22 of 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  
24 City of Riverside ("City") is authorized to acquire real property or interests therein for  
25 public uses and purposes, to wit: to widen approximately one mile of Tyler Street between  
Hole and Wells Avenues.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

2. The City commenced this eminent domain action to condemn a street and highway easement and temporary construction easements which are 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 March 25, 2014, plaintiff's City Council adopted Resolution Number 22650 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>
Saul V. Martinez	Owner
Midland Funding LLC	Potential Claimant
Luis Carlos Ruiz	Tenant
Ma Del Rosario Bito	Tenant

5. The following defendants were dismissed on the date indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Luis Carlos Ruiz	05/12/14
Ma Del Rosario Bito	05/12/14



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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Saul V. Martinez	07/15/2014
Midland Funding LLC	07/15/2014

4  
5  
6  
7           7.     On March 27, 2014, plaintiff deposited with the Office of the Treasurer for  
8     the state of California the amount of One Hundred Seventy Five Thousand Nine Hundred  
9     Dollars (\$175,900.00) as a deposit of probable just compensation (“Condemnation Deposit”)  
10    for the property described in the attached exhibit “A.”

11           8.     The Condemnation Deposit has not been withdrawn and remains on deposit  
12    with the State’s Treasurer’s Office.

13           9.     An Order of Prejudgment Possession (“OPP”) as to the property described in  
14    the attached exhibit “A” was filed by the court herein on July 29, 2014. Said OPP will be  
15    effective on August 30, 2014.

16           10.    The use for which an interest in and to the property described in the attached  
17    exhibit “A” is being acquired is a use authorized by law and the acquisition of said interest is  
18    necessary to said use.

19           NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that  
20    judgment in condemnation is hereby made in favor of the City of Riverside. The following  
21    defendant is entitled to no compensation or damages: Midland Funding LLC. The  
22    Condemnation Deposit remains on deposit with the State Treasurer’s office for the benefit of  
23    Saul V. Martinez as owner of the Subject Property.

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

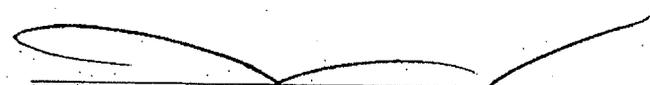
          The interests of defendants Saul V. Martinez and Midland Funding LLC in the real  
property described in the attached exhibit “A” are hereby condemned for the public use and



1 purpose described in the complaint herein, to wit, to widen approximately one mile of Tyler  
2 Street between Hole and Wells Avenues, plaintiff to take title to the interest(s) of said  
3 defendants in said real property together with all improvements thereon in which said  
4 defendant has an interest, and except as otherwise described in the attached exhibit "A," free  
5 and clear of any and all liens, encumbrances, easements, and leaseholds of whatever kind or  
6 nature.

7 The interest condemned to the City of Riverside in and to Assessor's Parcel Number  
8 147-251-021 is legally described in Exhibit "A" hereto.

9  
10 DATED: 8/27/14

  
11 JUDGE OF THE SUPERIOR COURT

12 o:\cycom\wpdocs\d028\p018\00210194.doc  
13 L14-0033.07

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



2014-0335678  
09/04/2014 11:57A  
8 of 11



APN: 147-251-021  
Street & Highway Easement

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

That portion of Lot 8 in Block 10 of La Granada, as shown by map on file in Book 12, Pages 42 through 51 of Maps, records of Riverside County, California, described as follows:

**BEGINNING** at the most easterly corner of said Lot 8;

Thence North 30°19' West, along the northeasterly line of said Lot 8, a distance of 55.00 feet to the northwesterly line of that certain parcel of land described in deed to Marko J. Zdunich, et ux., by Grant Deed recorded April 14, 1976, as Instrument No. 49300 of Official Records of Riverside County, California;

Thence South 45°54'34" West, parallel with the southeasterly line of said Lot 8, and along said northwesterly line, a distance of 25.74 feet to a line that is parallel with and distant 25.00 feet southwesterly, as measured at right angles, from said northeasterly line of Lot 8;

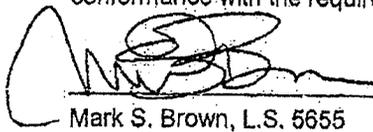
Thence South 30'19" East, along said parallel line, a distance of 55.00 feet to the southeasterly line of said Lot 8;

Thence North 45°54'34" East, along said southeasterly line, a distance of 25.74 feet to the **POINT OF BEGINNING**;

**EXCEPTING THEREFROM** that portion of said Lot 8, conveyed to the City of Riverside by document recorded June 10, 1994, as Instrument No. 237861 of Official Records of Riverside County, California.

Area - 935 square feet, more or less.

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

 11/18/2011 Date  
Mark S. Brown, L.S. 5655 Prep. \_\_\_\_\_





*FOR A.P.N. 147-251-021  
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 Lot 8 in Block 10 of La Granada, as shown by map on file in Book 12, Pages 42 through 51 of Maps, Riverside County records, described as follows:

COMMENCING at the most easterly corner of said Lot 8;

THENCE South 45°54'34" West, along the southeasterly line of said Lot 8, a distance of 25.74 feet to a line that is parallel with and distant 25.00 feet southwesterly, as measured at right angles, from the northeasterly line of said Lot 8, and being the POINT OF BEGINNING of the parcel of land being described;

THENCE North 30°19' West, along said parallel line, a distance of 55.00 feet to the northwesterly line of that certain parcel of land described in deed to Marko J. Zdunich, et ux., by Grant Deed recorded April 14, 1976, as Instrument No. 49300 of Official Records of Riverside County, California;

Thence South 45°54'34" West, parallel with said southeasterly line of said Lot 8, and along said northwesterly line of said parcel of land described in deed recorded April 14, 1976, a distance of 123.55 feet to a line that is parallel with and distant 170.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street (formerly Tyler Avenue) as shown by said map;

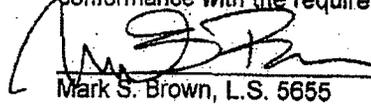
THENCE South 30°19' East, along said last mentioned parallel line, a distance of 55.00 feet to said southeasterly line of Lot 8;

THENCE North 45°54'34" East, along said southeasterly line, a distance of 123.55 feet to the POINT OF BEGINNING.

Area - 6600 square feet, more or less.

This temporary easement and right-of-way shall terminate 90 days after issuance of the notice to proceed or upon completion of the public improvements and acceptance by the 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.

 8/15/2012 Prep.   
Mark S. Brown, L.S. 5655 Date





*POR. A.P.N. 147-251-021  
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 Lot 8 in Block 10 of La Granada, as shown by map on file in Book 12, Pages 42 through 51 of Maps, Riverside County records, described as follows:

COMMENCING at the most easterly corner of said Lot 8;

THENCE South 45°54'34" West, along the southeasterly line of said Lot 8, a distance of 25.74 feet to a line that is parallel with and distant 25.00 feet southwesterly, as measured at right angles, from the northeasterly line of said Lot 8, and being the POINT OF BEGINNING of the parcel of land being described;

THENCE North 30°19' West, along said parallel line, a distance of 55.00 feet to the northwesterly line of that certain parcel of land described in deed to Marko J. Zdunich, et ux., by Grant Deed recorded April 14, 1976, as Instrument No. 49300 of Official Records of Riverside County, California;

Thence South 45°54'34" West, parallel with said southeasterly line of said Lot 8, and along said northwesterly line of said parcel of land described in deed recorded April 14, 1976, a distance of 5.15 feet to a line that is parallel with and distant 30.00 feet southwesterly, as measured at right angles, from said northeasterly line of Lot 8;

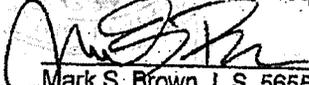
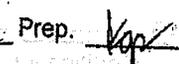
THENCE South 30°19' East, along said last mentioned parallel line, a distance of 55.00 feet to said southeasterly line of Lot 8;

THENCE North 45°54'34" East, along said southeasterly line, a distance of 5.15 feet to the POINT OF BEGINNING.

Area - 275 square feet, more or less.

This temporary easement and right-of-way shall terminate 9 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by the 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.

 8/15/2012 Date  Prep. 

Mark S. Brown, L.S. 5655





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):

This temporary easement and right-of-way shall terminate 9 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by the 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.

Date:

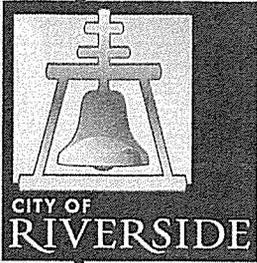
9/4/14

Signature:

Print Name:

Melissa Sutton





MEMORANDUM

CITY ATTORNEY'S OFFICE

**TO:** City Clerk  
**FROM:** Kimberly Oehlert  
**DATE:** October 7, 2014  
**RE:** CITY V. MARTINEZ (TYLER AVENUE STREET WIDENING); CA L14-0033.07; RIVERSIDE SUPERIOR COURT CASE NO. RIC1403181

2014 OCT 14 10:00 AM  
CITY OF RIVERSIDE

---

Enclosed is the original recorded Judgment and Final Order of Condemnation regarding the above-referenced eminent domain matter.

Please retain this document as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.

Kimberly Oehlert  
Paralegal  
Ext. 5768