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Riverside, CA 92522
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JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1403548

D-17268

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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GARY G. GEUSS, City Attorney, SBN 128022
ROBERT HANSEN, Assistant City Attorney, SBN 130677
BRANDON S. MERCER, Deputy City Attorney, SBN 244413
OFFICE OF THE CITY ATTORNEY
City Hall, 3900 Main Street, 5th Floor
Riverside, California 92522
Telephone (951) 826-5567
Facsimile (951) 826-5540
bmercerc@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 24 2016
M. CASAL *M*

FEB 25 2016

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a California charter city and municipal corporation,)	Case No. RIC1403548
)	ASSIGNED TO THE HONORABLE
Plaintiff,)	JUDGE JOHN W. VINEYARD
)	Dept. 7
vs.)	
)	JUDGMENT AND FINAL ORDER OF
BALBIR K. JHAWAR, TRUSTEE OF THE JHAWAR D B TRUST DATED APRIL 4, 2013; et al.)	CONDEMNATION
)	Complaint filed: 04/10/2014
Defendants.)	OSC: 04/20/2016

This Judgment and Final Order of Condemnation is made following disposition through the court proceedings described below of all parties and property interests alleged in the Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter "City"), by and through Brandon S. Mercer, Deputy City Attorney, and defendants Balbir K. Jhawar, Trustee of the Jhawar D B Trust Dated April 4, 2013, ("Jhawar") and Tyler Center, Inc. ("Tyler Center"), (collectively "Defendants"), by and through their attorneys, the Law Offices of Briggs & Alexander, that a Judgment and Final Order of Condemnation as to Assessor's Parcel Numbers ("APNs") 143-150-004 and 143-150-005 may be made and entered herein in accordance with the terms and conditions hereof without further notice to said Defendants,

CITY ATTORNEY'S OFFICE
3900 MAIN STREET
RIVERSIDE, CA 92522
(951) 826-5567

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IT IS HEREBY FOUND AND DETERMINED:

1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of the State of California, section 4090 of the Streets and Highways Code of the State of California, section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to acquire real property or interests therein for public uses and purposes, to wit: widening approximately one mile of Tyler Street between Hole and Wells Avenues.

2. 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 22647 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain ("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.

3. Plaintiff named the following defendants in this action:

<u>Defendants Name</u>	<u>Property Interest</u>
Balbir K. Jhavar, Trustee of the Jhavar D B Trust Dated April 4, 2013	Owner
Southern California Edison Company	Easement holder
Tyler Center, Inc.	Easement holder
Old Republic Title Company	Trustee under deed of trust
Commercial Business Financial, Inc.	Beneficiary under deed of trust
Cavalier Liquor, a Business of Unknown Structure	Tenant
All Persons Unknown Claiming an Interest in the Property	Potential Claimant

1 4. The interest of Jhawar in and to the real property designated in the complaint as
2 APNs 143-150-004 and 143-150-005 is fee simple absolute. The interest being acquired by the
3 City through this eminent domain action is a street and highway easement and temporary
4 construction easements, as more particularly described in Exhibit 'A' hereto.

5 5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final
6 Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial,
7 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
8 Order of Condemnation as to APNs 143-150-004 and 143-150-005, and the right and time for
9 appeal.

10 6. By execution of the Stipulation, Defendants expressly waive the right to challenge
11 the City's right to acquire the property by eminent domain, the right to further and greater
12 compensation and damages of whatever kind or nature, and the right to an award of interest,
13 attorneys fees and costs, to the extent that they may be allowable by law.

14 7. By execution of the Stipulation, the total compensation is in complete settlement
15 of any and all claims for compensation arising from the taking of the real property described in
16 Exhibit 'A' hereto ("Subject Property"), including costs, statutory interest, severance damages,
17 fixtures, equipment, or inventory, loss of business goodwill, relocation assistance, loss of or
18 damage to improvements pertaining to the realty, damages for precondemnation or inverse
19 condemnation, attorney's fees, all costs and litigation expenses of Defendants against the City
20 by reason of taking of the Subject Property.

21 8. Pursuant to the Stipulation, Defendants make a knowing waiver of any and all
22 rights created by California Civil Code section 1542.

23 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
24 plaintiff to Defendants is the sum of Eighty-five Thousand Dollars (\$85,000.00) ("Award").

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1 10. On March 27, 2014, the City deposited the sum of Twenty-one Thousand Dollars
 2 (\$21,000.00) ("Deposit") with the Treasurer of the State of California, Condemnation Fund, as
 3 the probable just compensation for Assessor's Parcel Numbers ("APN") 143-150-004 and 143-
 4 150-005. The Deposit is apportioned among the following defendants as indicated below:

Defendant	Property Interest	Deposit Amount
Balbir K. Jhavar, Trustee of the Jhavar D B Trust Dated April 4, 2013	Real Estate	\$8,500
Cavalier Liquor	Fixtures & Equipment	\$12,500

9 11. No funds have been withdrawn from the Deposit and \$21,000.00 remains on
 10 deposit with the State Treasurer condemnation fund.

11 12. Pursuant to the Stipulation, Payment of the Award by the City shall be made
 12 within thirty (30) days after entry of this Judgment and Final Order of Condemnation.

13 13. An Order of Prejudgment Possession became effective as to Defendants' interest
 14 in and to APNs 143-150-004 and 143-150-005 on or about September 11, 2014.

15 14. The use for which an interest in and to APNs 143-150-004 and 143-150-005 is
 16 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
 17 use.

18 15. The following defendants were dismissed from this action on the dates indicated
 19 below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All Persons Unknown Claiming an Interest in the Property	01/13/2016

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Commercial Business Financial, Inc.	07/22/2014
Cavalier Liquor	07/22/2014

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17. The following defendants filed a disclaimer on the dates indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Southern California Edison Company	06/18/2014
Old Republic Title Company	06/09/2014

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The total compensation, award, and damages to be paid as a result of the condemnation of the interests of defendants Balbir K. Jhawar, Trustee of the Jhawar D B Trust Dated April 4, 2013, and Tyler Center, Inc., (collectively "Defendants") in and to APNs 143-150-004 and 143-150-005 is the total sum of Eighty-five Thousand Dollars (\$85,000.00).

2. Payment of the Award hereunder shall be deemed to expressly include all costs of suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses including, but not limited to, those defined in California Code of Civil Procedure section 1235.140. Payment hereunder shall further be deemed to be the total just compensation and damages, if any, to which Defendants shall be entitled by reason of the condemnation of and construction activities by plaintiff on APNs 143-150-004 and 143-150-005.

3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) from those funds on deposit in the Condemnation Fund and apportioned to Balbir K. Jhawar, Trustee of the Jhawar D B Trust Dated April 4, 2013, in connection with the above-entitled matter. Payment of said funds shall be made payable to "City of Riverside" and forwarded to:

Office of the City Attorney
c/o Brandon Mercer, Esq.
3900 Main Street 5th Floor
Riverside, CA 92522

///
///

1 4. The Award in the amount of Eighty-five Thousand Dollars (\$85,000.00) shall be
2 paid by plaintiff outside these court proceedings to Defendants as follows: the draft shall be
3 made payable to "Briggs and Alexander Trust Account" and forwarded to:

4 Peter Sunukjian, Esq.
5 Jeffrey Weber, Esq.
6 Law Offices of Briggs & Alexander
7 558 S. Harbor Blvd., Suite 100
8 Anaheim, CA 92805

9 5. Payment to Defendants of the total Award shall constitute payment in full for the
10 real property taken and for all damages of any kind and nature whatsoever suffered by
11 Defendants by reason of such taking.

12 6. An Order of Prejudgment Possession became effective as to the interest of
13 Defendants in and to APNs 143-150-004 and 143-150-005 on September 11, 2014.

14 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
15 CONDEMNATION:

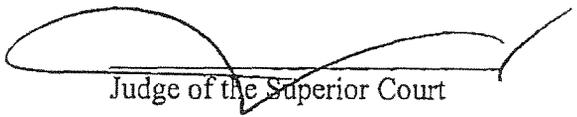
16 The interest of defendants Balbir K. Jhawar, Trustee of the Jhawar D B Trust Dated
17 April 4, 2013; Tyler Center, Inc.; Southern California Edison Company; Old Republic Title
18 Company; Commercial Business Financial, Inc.; and Cavalier Liquor, a Business of Unknown
19 Structure (collectively "Defendants") in the real property described in Exhibit "A" as to
20 Assessor's Parcel Numbers 143-150-004 and 143-150-005 is hereby condemned for the public
21 use and purposes described in the Complaint as widening approximately one mile of Tyler Street
22 between Hole and Wells Avenues. Plaintiff City of Riverside to take title to the interests of
23 Defendants in said real property, together with all improvements thereon in which said

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1 Defendants have an interest, free and clear of any and all liens, encumbrances, easements, and
2 leaseholds, of whatever kind or nature.

3 The interests condemned to the City of Riverside in and to Assessor's Parcel Numbers
4 143-150-004 and 143-150-005 are legally described in Exhibit 'A' hereto.

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DATED: 2/22/19 
Judge of the Superior Court

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L14-0033.02

EXHIBIT A

D-17268

POR. APN: 143-150-004
Street & Highway Easement

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

All that portion of Lot 8 of Castle Home, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County, lying northeasterly of a line that is parallel with and distant 50.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street as shown by said map.

Containing 640 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.

 1/11/10 Date Prep. _____
Mark S. Brown, L.S. 5655
License Expires 9/30/11



D47268

POR. A.P.N. 143-150-004
Temporary Construction Easement

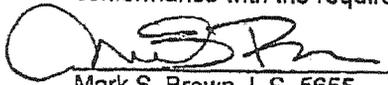
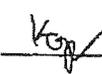
That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

The southwesterly 8.00 feet of the northeasterly 18.00 feet of Lot 8 of Castle Homes, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County.

Area - 512 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.

 8/5/12 Prep. 
Mark S. Brown, L.S. 5655 Date



D-17268

POR. A.P.N. 143-150-005
Temporary Construction Easement

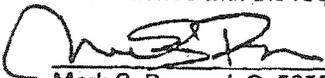
That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

The southwesterly 3.00 feet of the northeasterly 18.00 feet of Lot 8 of Castle Homes, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County.

Area - 192 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 Prep. Kaj
Mark S. Brown, L.S. 5655 Date



D-17268

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in 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 February 19, 2016, I served the JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

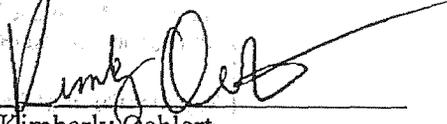
Peter Sunukjian, Esq.
Jeffrey Weber, Esq.
Law Offices of Briggs & Alexander
558 S. Harbor Blvd., Suite 100
Anaheim CA 92805
Tel: (714) 520-9250
Fax: (714) 520-9248
peter@briggsandalexander.com
jeff@briggsandalexander.com

Attorneys for defendants:
Balbir K. Jhawar, Trustee of the Jhawar D B
Trust Dated April 4, 2013; and
Tyler Center, Inc.

- (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.
- () **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c). Said document was deposited at the box regularly maintained by said express service carrier on the date set forth above.

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

Executed on February 19, 2016, at Riverside, California.



Kimberly Oehlert

D-17268