



LARRY WALKER
Auditor/Controller - Recorder

R Regular Mail

When Recorded Mail To:

Doc#: 2007 - 0491604

Titles: 2 Pages: 11

Riverside City Attorney's Office
3900 Main Street
Riverside, CA 92522
Ref: CA# 05-2355



Fees	0.00
Taxes	0.00
Other	0.00
<hr/> PAID	<hr/> \$0.00

This instrument is for the benefit of the City of Riverside and is exempt from recording fees (Government Code § 27383¹)

D-16081

Space above this line reserved for Recorder's Use

JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. SCVSS 132241

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."

16081

1 GREGORY P. PRIAMOS, City Attorney #136766
 2 HERIBERTO F. DIAZ, Deputy City Attorney #132821
 3 SUSAN D. WILSON, Deputy City Attorney #157652
 4 CITY OF RIVERSIDE
 5 City Hall, 3900 Main Street
 6 Riverside, California 92522
 7 Telephone (951) 826-5567
 8 Facsimile (951) 826-5540

FILED
 SUPERIOR COURT
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

JUL 16 2007

By Joseph A. Holmes Deputy

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Govt. Code § 6103)

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO

CITY OF RIVERSIDE, a California charter)
 city and municipal corporation,)
)
 Plaintiff,)

CASE NO.: SCVSS 132241
 Assigned for all purposes to the
 Honorable Judge Frank Gafkowski
 Department S5

vs.

**JUDGMENT AND FINAL ORDER OF
 CONDEMNATION**

KWOCK COMPANY, a business of unknown)
 form; 444 S. WATERMAN LIMITED)
 PARTNERSHIP, a California limited)
 partnership; SOUTHERN CALIFORNIA)
 EDISON COMPANY, a California)
 corporation; ROBERT BENTON d/b/a)
 WAREHOUSE THRIFT; DONALD L.)
 BENTON, an individual; ADORACION)
 BENTON, an individual; EDWARD E)
 REINSCH, an individual; SUZANNE M.)
 REINSCH, an individual; JOSEPH LIM, an)
 individual; HENRIETTA LIM, an individual;)
 RAP LIMITED PARTNERSHIP, an Arkansas)
 limited partnership; CITY OF SAN)
 BERNARDINO; FRANCHISE TAX BOARD)
 OF THE STATE OF CALIFORNIA; DOES 1)
 through 100; and ALL PERSONS UNKNOWN)
 CLAIMING AN INTEREST IN THE)
 PROPERTY,)

Complaint filed: November 23, 2005

Defendants.

1 IT APPEARING THAT plaintiff has made the following disposition, through the court
2 proceedings described below, of all parties and property interests alleged in the Complaint in
3 Eminent Domain, the court renders judgment as follows:

4 NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED:

5 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of the
6 State of California, section 4090 of the Streets and Highways Code of the State of California,
7 section 1240.010 of the Code of Civil Procedure of the State of California and Article I, section 19
8 of the Constitution of the State of California, plaintiff City of Riverside (hereinafter "City") is
9 authorized to acquire real property or interests therein for public uses and purposes, to wit: repair
10 and/or replace portions of of the Waterman Pipeline located in and along Waterman Avenue in the
11 City of San Bernardino ("Project").

12 2. After a duly noticed public hearing and an opportunity to be heard in compliance
13 with Code of Civil Procedure section 1245.235, on November 1, 2005, City adopted Resolution
14 No. 21064 authorizing City to acquire the property described in the complaint on file herein,
15 including San Bernardino County Assessor's Parcel Numbers ("APNs") 0136-271-43, 0136-271-
16 24, and 0136-271-48 by eminent domain. In compliance with sections 1245.220 and 1245.230 of
17 the Code of Civil Procedure, City found and determined that: (a) the public interest and necessity
18 require the Project; (b) the Project is planned or located in the manner that will be most compatible
19 with the greatest public good and the least private injury; (c) the property sought to be acquired is
20 necessary for the Project; (d) the offer required by Government Code section 7267.2 has been
21 made to the owner or owners of record. No party challenged City's right to take the property
22 interests described in the complaint herein.

23 3. Plaintiff commenced this eminent domain action to condemn the following property
24 interests: temporary construction easements over APNs 0136-271-43, 0136-271-24, and 0136-271-
25 48, and waterline facilities easement of APN 0136-271-43.

26 ///

27 ///

1 4. The following defendants were dismissed without prejudice by plaintiff from this
2 action on the dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Kwock Company	April 20, 2007
444 S. Waterman Limited Partnership	February 1, 2006
Edward E. Reinsch	February 1, 2006
Suzanne M. Reinsch	February 1, 2006
Rap Limited Partnership	February 1, 2006
Joseph Lim	February 1, 2006
Henrietta Lim	February 1, 2006
City of San Bernardino	September 8, 2006
Franchise Tax Board of the State of California	September 8, 2006

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Robert Benton d/b/a Warehouse Thrift	May 18, 2006
Donald L. Benton	May 18, 2006
Adoracion Benton	May 18, 2006

21 By reason of said defaults, the above defaulted defendants are not entitled to
22 compensation for the taking and damaging of APNs 0136-271-43, 0136-271-24, and 0136-271-48.

23 6. On April 20, 2007, an Interlocutory Judgment in Condemnation was made and
24 entered as to defendant Southern California Edison Company.

25 7. On November 16, 2005, plaintiff City of Riverside deposited with the State
26 Treasurer the amount of One Hundred Three Thousand Twenty-five Dollars (\$103,025.00).

27 8. On or about May 18, 2006, the court executed an order directing disbursement by

1 the State Treasurer in the amount of \$31,350.00 to plaintiff Kwock Company from the funds on
2 deposit. On March 19, 2007, the court executed an order directing disbursement by the State
3 Treasurer of the remainder of the funds on deposit to plaintiff City of Riverside. Accordingly, no
4 funds remain on deposit with the State's condemnation fund.

5 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED the real
6 property described in plaintiff's complaint herein, more particularly described in exhibit 'A'
7 hereto, is hereby condemned for temporary construction and waterline facilities easement purposes
8 together with all rights to construct and maintain utilities, sewers, drains, and other improvements
9 consistent with the use as a water pipeline, free and clear of any and all liens, encumbrances,
10 easements, and leaseholds, of whatever kind or nature.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff has caused
12 final disposition as to all parties named in the Complaint and/or appearing and this matter requires
13 no further court action. Wherefore this Judgment and Final Order of Condemnation is now made
14 and entered.

15
16
17 Dated: JUL 16 2007, 2007

18 
19 _____
20 Judge of the Superior Court
21 FRANK GARKOWSKI, JR.
22
23
24
25

26 O:\Cycorn\WPDocs\D028\P003\00084762.WPD
27 05-2355

EXHIBIT A

16081

EXHIBIT A

A.P.N. 0136-271-43 WATERLINE FACILITIES EASEMENT

The portion of Lot 6, in Block 7 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map filed in Map Book 7, Pages 2 and 2A, records of said San Bernardino County, more particularly described as follows:

COMMENCING at the southeast corner of said Lot 6:

Thence North 00°00'00" East along the easterly line of said Lot 6, a distance of 501.84 feet;

Thence North 90°00'00" West, a distance of 13.75 feet to a point on said line that is parallel with, and 55.00 feet westerly, from the centerline of Waterman Avenue, as shown on said map of Rancho San Bernardino, said point being the **TRUE POINT OF BEGINNING**;

Thence South 00°00'00" West along said parallel line, a distance of 194.00 feet;

Thence North 43°32'14" West, leaving said parallel line, a distance of 82.75 feet to a point on a line that is parallel with, and 112.00 feet westerly, measured at right angles, from said centerline of Waterman Avenue;

Thence North 00°00'00" East along said parallel line, a distance of 88.00 feet to a point on the southeasterly line of the property conveyed to the San Bernardino County Flood Control District by deed recorded April 2, 1959, in Book 4778, Page 139, Official Records of said County;

Thence North 51°05'17" East along said southeasterly line of the property conveyed to the San Bernardino County Flood Control District, a distance of 73.25 feet to the **TRUE POINT OF BEGINNING**;

Containing 8,050 S.F., more or less.

TEMPORARY CONSTRUCTION EASEMENT

The portion of the easterly 3/5 of Lot 6, in Block 7 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map filed in Map Book 7, Pages 2 and 2A, records of said San Bernardino County, lying northerly of the following described line:

BEGINNING at the intersection of the westerly line of said easterly 3/5 of Lot 6 with the southeasterly line of the property conveyed to the San Bernardino County Flood Control District by deed recorded April 2, 1959, in Book 4778, Page 139, Official Records of said County;

Thence North 90°00'00" East, perpendicular to the centerline of Waterman Avenue as shown on said map of Rancho San Bernardino, a distance of 301.03 feet to a point on said centerline of Waterman Avenue;

EXCEPTING THEREFROM that portion lying easterly of a line that is parallel with, and 55.00 feet westerly, measured at right angles, from said centerline of Waterman Avenue;

ALSO EXCEPTING THEREFROM that portion lying within said property conveyed to the San Bernardino County Flood Control District;

ALSO EXCEPTING THEREFROM the following described property:

COMMENCING at the southeast corner of said Lot 6:

Thence North 00°00'00" East along the easterly line of said Lot 6, a distance of 501.84 feet;

Thence North 90°00'00" West, a distance of 13.75 feet to a point on said line that is parallel with, and 55.00 feet westerly, from the centerline of Waterman Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence South 00°00'00" West along said parallel line, a distance of 194.00 feet;

Thence North 43°32'14" West, leaving said parallel line, a distance of 82.75 feet to a point on a line that is parallel with, and 112.00 feet westerly, measured at right angles, from said centerline of Waterman Avenue;

Thence North 00°00'00" East along said parallel line, a distance of 88.00 feet to a point on said southeasterly line of the property conveyed to the San Bernardino County Flood Control District;

Thence North 51°05'17" East along said southeasterly line of the property conveyed to the San Bernardino County Flood Control District, a distance of 73.25 feet to the **TRUE POINT OF BEGINNING**;

Containing 17,600 S.F., 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 10/11/05 Date Prep. *ds*
License Expires 9/30/07



EXHIBIT A

A.P.N. 0136-271-24 (PARCEL A)
A.P.N. 0136-271-48 (PARCEL B)
TEMPORARY CONSTRUCTION EASEMENT

PARCEL A

That portion of Lot 5, in Block 7 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map filed in Map Book 7, Pages 2 and 2A, records of said San Bernardino County, described as follows:

COMMENCING at the southeast corner of Lot 6, in said Block 7 of Rancho San Bernardino;

Thence North 00°00'00" East along the easterly lines of said Lots 6 and 5 a distance of 726.84 feet to the **TRUE POINT OF BEGINNING**;

Thence South 90°00'00" West to a point on the westerly line of said Lot 5;

Thence North 00°00'00" East along said westerly line of Lot 5 a distance of 154 feet, more or less, to a point that is South 00°00'00" West 200.00 feet from the northwest corner of said Lot 5;

Thence North 90°00'00" East to a point on said easterly line of Lot 5 that is South 00°00'00" West 200.00 feet from the northeast corner of said Lot 5;

Thence South 90°00'00" West along said easterly line of Lot 5 a distance of 154 feet, more or less, to the **TRUE POINT OF BEGINNING**;

EXCEPTING THEREFROM that portion lying easterly of a line that is parallel with, and 50.00 feet westerly, measured at right angles, from the centerline of Waterman Avenue, as shown on said map of Rancho San Bernardino.

Containing 1.53 acres, more or less.

PARCEL B

That portion of Lot 5, in Block 7 of Rancho San Bernardino, in the City of San Bernardino, County of San Bernardino, State of California, as shown by map filed in Map Book 7, Pages 2 and 2A, records of said San Bernardino County, described as follows:

COMMENCING at the southeast corner of Lot 6, in said Block 7 of Rancho San Bernardino;

Thence North 00°00'00" East along the easterly lines of said Lots 6 and 5 a distance of 626.84 feet to the **TRUE POINT OF BEGINNING**;

Thence South 90°00'00" West to a point on the westerly line of said Lot 5;

Thence North 00°00'00" East along said westerly line of Lot 5 a distance of 100 feet;

Thence North 90°00'00" East to a point on said easterly line of Lot 5

Thence South 90°00'00" West along said easterly line of Lot 5 a distance of 100 feet, to the **TRUE POINT OF BEGINNING**;

EXCEPTING THEREFROM that portion lying southerly and southeasterly of the following described line:

COMMENCING at the southeast corner of Lot 6, in said Block 7 of Rancho San Bernardino;

Thence North 00°00'00" East along the easterly lines of said Lots 6 and 5 a distance of 626.84 feet;

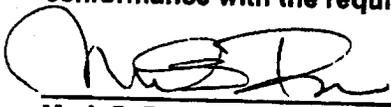
Thence South 90°00'00" West a distance of 123.87 feet to the **TRUE POINT OF BEGINNING**;

Thence North 56°36'14" East a distance of 157.45 feet;

Thence North 00°00'00" East a distance of 2.19 feet to a point on said easterly line of said Lot 5;

Containing 0.85 acres, more or less.

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

 10/11/05 Prep. CB
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/07

