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Page 1 of 19

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 § 27383<sup>1</sup>)

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**JUDGMENT AND FINAL ORDER OF CONDEMNATION**  
**CASE NO. RIC443870**

**16362**



<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."

16362

RECEIVED ON OCT 16 2008

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

OCT 27 2008

Claudia Zuniga

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5 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF RIVERSIDE

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

12 Plaintiff,

13 v.

14 REALTY INCOME CORPORATION, a  
15 Maryland Corporation, SOUTHERN  
16 CALIFORNIA EDISON COMPANY;  
17 PACIFIC TELEPHONE & TELEGRAPH  
COMPANY; RIVERSIDE II ASSOCIATES;  
18 SIXPENCE INN OF LA SIERRA BLVD, LTD;  
19 SOUTHERN CALIFORNIA GAS COMPANY;  
20 DAVID KIMBROUGH, KENNETH E.  
21 SEALS, JOHN MASSO, AS TRUSTEE  
22 UNDER IRREVOCABLE DECLARATION  
OF TRUST OF ALICIA FAJER DATED  
23 MARCH 30, 1981; JOHN MASSO, AS  
24 TRUSTEE UNDER IRREVOCABLE  
DECLARATION OF TRUST OF ALICIA  
25 FAJER DATED MARCH 30, 1981;  
SMARTPARKS - RIVERSIDE, INC.;  
SMARTPARKS - RIVERSIDE, INC., d/b/a  
CASTLE PARK; FIRST AMERICAN TITLE  
INSURANCE COMPANY; BANK OF  
AMERICA, NATIONAL ASSOCIATION;  
FESTIVAL FUN PARKS, LLC; DOES 1  
through 100; and ALL PERSONS UNKNOWN

Case No.: RIC 443870  
Assigned for all purposes to the  
Honorable Judge Edward D. Webster  
Department 05

**JUDGMENT AND FINAL ORDER OF  
CONDEMNATION**

Assessor's Parcel Numbers:

138-020-084  
138-020-085  
138-030-021

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



1 CLAIMING AN INTEREST IN THE  
2 PROPERTY,

3 Defendants.

4 This Final Judgment is hereby made following disposition through the court  
5 proceedings described below of all parties and property interests alleged in the Complaint in  
6 Eminent Domain.

7 IT IS HEREBY FOUND AND DETERMINED:

8 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of  
9 the State of California, section 4090 of the Streets and Highways Code of the State of  
10 California, section 1240.010 of the Code of Civil Procedure of the State of California, and  
11 Article I, section 19 of the Constitution of the State of California, plaintiff City of Riverside  
12 is authorized to acquire real property or interests therein for public uses and purposes, to wit:  
13 to realign and widen a section of Diana Avenue and the State Route 91 interchange at La  
14 Sierra Avenue, and for related incidental improvements ("Project"). Defendant Realty  
15 Income Corporation (hereinafter "Realty") owns a fee simple absolute interest in and to  
16 Assessor's Parcel Numbers 138-020-084, 138-020-085, 138-030-021.

17 2. Plaintiff City of Riverside commenced this eminent domain action to condemn  
18 the following property interests which are legally described in the attached exhibit "A": fee  
19 simple absolute in a portion of APNs 138-020-084 and 138-020-085; a public street  
20 easement in a portion of APNs 138-020-084, 138-020-085, and 138-030-021; and an access  
21 denial line in APNs 138-020-084 and 138-020-085

22 3. After a duly noticed public hearing and an opportunity to be heard in  
23 compliance with Code of Civil Procedure section 1245.235, on January 3, 2006, plaintiff's  
24 City Council adopted Resolution Number 21095 (which was amended and restated by  
25 plaintiff's City Council on March 20, 2007) authorizing plaintiff to acquire the property



1 described in the attached exhibit "A" by eminent domain (collectively "Subject Property").  
 2 In compliance with sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City  
 3 Council found and determined that: (a) the public interest and necessity require the  
 4 proposed project, (b) the proposed project is planned and located in the manner that will be  
 5 the most compatible with the greatest public good and least private injury, (c) the acquisition  
 6 and taking of interests in the property sought to be acquired are necessary for the Project,  
 7 and (d) the offer required by section 7267.2 of the Government Code has been made to the  
 8 owners of record of the Subject Property.

9 4. Plaintiff named the following defendants in this action:

10 DEFENDANT

INTEREST

11 Realty Income Corporation, a Maryland Corporation	Owner
12 Festival Fun Parks, LLC	Owner & Lessee
13 Smartparks - Riverside, Inc.	Trustor
14 Smartparks - Riverside, Inc., d/b/a Castle Park	Trustor
15 Southern California Edison Company	Easement Holder
Pacific Telephone & Telegraph Company	Easement Holder
16 Riverside II Associates	Potential Claimant
Sixpence Inn of La Sierra Blvd, Ltd.	Easement Holder
17 Southern California Gas Company	Easement Holder
18 John Masso, as Trustee under Irrevocable Declaration of Trust of Alicia Fajer Dated March 30, 1981 (erroneously named twice in the case caption)	Easement Holder
19 David Kimbrough, individually (Erroneously named as "David Kimbrough as Trustee under Irrevocable Declaration of Trust of Alicia Fajer Dated March 30, 1981." Court's order correcting defendant's name made and entered on February 22, 2006.)	Easement Holder



2009-0166256  
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1	Kenneth E. Seals, individually (Erroneously named as "Kenneth E. Seals as Trustee under Irrevocable Declaration of Trust of Alicia Fajer Dated March 30, 1981." Court's order correcting defendant's name made and entered on March 6, 2006.)	Easement Holder
2		
3	The heirs & devisees of Kenneth E. Seals, deceased, and all persons claiming by, through, or under said decedent	Easement Holder
4		
5	First American Title Insurance Company	Trustee
6	Bank of America, National Association	Beneficiary
7	Antares Capital Corporation d/b/a Delaware Antares Capital Corporation	Beneficiary & Secured Party
8	Antares Capital Corporation, a Delaware corporation	Beneficiary & Secured Party
9	Windward Capital Management, LLC, a Delaware LLC	Secured Party
10	Sidney R. Title	Easement Holder
11	Charlotte W. Title	Easement Holder
12	The heirs & devisees of Charlotte W. Title, deceased, and all persons claiming by, through, or under said decedent	Easement Holder
13	Lawrence Greener	Easement Holder
14	Rosemary Greener	Easement Holder
15	All Persons Unknown Claiming an Interest in the Property	Potential Claimant

16  
17 5. The following defendants filed disclaimers on the dates indicated below and are entitled to no compensation:

18	<u>DEFENDANT</u>	<u>DATE OF FILING</u>
19		
20	Festival Fun Parks, LLC	March 9, 2007
21	Smartparks - Riverside, Inc.	March 9, 2007
22	Smartparks - Riverside, Inc., d/b/a Castle Park	March 9, 2007
23	John Masso, as Trustee under Irrevocable Declaration of Trust of Alicia Fajer Dated March 30, 1981	May 1, 2006
24	First American Title Insurance Company	March 10, 2006
25	Antares Capital Corporation d/b/a Delaware Antares Capital Corporation	April 20, 2006



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Antares Capital Corporation, a Delaware corporation	April 20, 2006
Sidney R. Title	April 14, 2006
Lawrence Greener	April 24, 2006
Rosemary Greener	April 24, 2006

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Southern California Edison Company	May 11, 2006
Kenneth E. Seals, individually	September 19, 2006
Charlotte W. Title	September 19, 2006

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Riverside II Associates	May 22, 2006
Sixpence Inn of La Sierra Blvd, Ltd.	June 1, 2006
David Kimbrough, individually	September 19, 2006
The heirs & devisees of Kenneth E. Seals, deceased, and all persons claiming by, through, or under said decedent	September 19, 2006
Bank of America, National Association	May 1, 2006
Windward Capital Management, LLC, a Delaware LLC	May 1, 2006
The heirs & devisees of Charlotte W. Title, deceased, and all persons claiming by, through, or under said decedent	September 19, 2006
All Persons Unknown Claiming an Interest in the Property	April 8, 2008



1           8. Interlocutory judgments were made and entered as to each of the following  
2 defendants on the dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Pacific Telephone & Telegraph Company (appearing in this matter as Pacific Bell Telephone Company)	June 1, 2006
Southern California Gas Company	June 21, 2006

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8           9. On January 18, 2006, plaintiff deposited a total of One Million Three Hundred  
9 Seventy-one Thousand Dollars (\$1,371,000.00) with the Treasurer of the State of California  
10 condemnation fund as a deposit of probable just compensation for the property described in  
11 the attached exhibit "A." On April 17, 2007, the court made and entered an order authorizing  
12 withdrawal of One Million Three Hundred Seventy-one Thousand Dollars (\$1,371,000.00)  
13 from funds on deposit with the State Treasurer. No funds remain on deposit with the State  
14 Treasurer.

15           10. On January 7, 2008, a Stipulation re Settlement and For Entry of Partial  
16 Judgment and Final Order of Condemnation ("Stipulation") was made and entered as to  
17 defendant Realty Income Corporation (hereinafter "Realty"). Pursuant to said Stipulation,  
18 defendant Realty was to be paid outside of these court proceedings.

19           11. By execution of the Stipulation herein, defendant Realty waived the right to  
20 jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of  
21 Entry of Final Order of Condemnation as to the property described in the attached exhibit  
22 "A", and the right to and time for appeal.

23           12. Pursuant to said Stipulation, defendant Realty expressly waives the right to  
24 challenge the City of Riverside's right to acquire the property by eminent domain, the right  
25 to further and greater compensation, and the right to an award of interest, attorney fees and



1 costs, to the extent they may be allowable by law.

2 13. Pursuant to said Stipulation, defendant Realty made a knowing waiver of any  
3 and all rights created by California Code of Civil Procedure section 1542.

4 14. Pursuant to said Stipulation, the total amount of just compensation to be paid by  
5 plaintiff to defendant Realty is *One Million Nine Hundred Fifty Thousand Dollars*  
6 (\$1,950,000.00) ("Award"). Said amount is inclusive of fair market value and interest  
7 thereon, attorney fees, and all costs of suit, including those costs defined in California Code  
8 of Civil Procedure section 1268.710, and litigation expenses including, but not limited to,  
9 those defined California Code of Civil Procedure section 1235.140. On or about April 17,  
10 2007, the court granted defendant Realty's application for withdrawal of funds over the  
11 City's objection that there are other parties known or believed to have an interest in the  
12 Subject Property. Defendant Realty received a partial payment of the Award on or about  
13 May 2007 pursuant to an order permitting Realty to withdraw the sum of One Million Three  
14 Hundred Seventy-one Thousand Dollars (\$1,371,000.00). City paid Realty the sum of Five  
15 Hundred Seventy-nine Thousand Dollars (\$579,000.00) outside these court proceedings in  
16 full satisfaction of the judgment.

17 15. An Order of Prejudgment Possession ("OPP") became effective as to the  
18 interests of defendant Realty in and to the property described in the attached exhibit "A" on  
19 March 19, 2006.

20 16. The use for which an interest in and to the property described in the attached  
21 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is  
22 necessary to said use.

23 **WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

24 1. The total compensation, award, and damages to be paid as a result of the  
25 condemnation of the interests of defendant Realty Income Corporation is the total sum of



16362

1 One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000.00).

2           2. Payment hereunder shall be deemed to expressly include all costs of suit  
3 pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses  
4 including, but not limited to, those defined in California Code of Civil Procedure section  
5 1235.140. Payment hereunder shall further be deemed to be the total just compensation and  
6 damages, if any, to which defendant Realty Income Corporation shall be entitled by reason  
7 of the condemnation of the portions of Assessor's Parcel Numbers 138-020-084, 138-020-  
8 085, 138-030-021 described in the attached exhibit "A." Said payment is for the benefit of  
9 defendant Realty Income Corporation only and does not include any compensation to which  
10 any other persons, parties, or entities claiming any interest in or to the parcels being acquired  
11 by this action, or having any other compensable interest as defined by or affected by this  
12 proceeding, may be entitled.

13           3. Possession having been taken by plaintiff on March 19, 2006, all taxes,  
14 assessments, penalties, and costs that are a lien on the portions of Assessor's Parcel Numbers  
15 138-020-084, 138-020-085, and 138-030-021 described in the attached exhibit "A" and  
16 which are apportioned to that portion of the fiscal year after March 19, 2006, are hereby  
17 canceled pursuant to sections 5081, et seq. of the Revenue and Taxation Code. Pursuant to  
18 Revenue and Taxation Code sections 5082 and 5096.7, defendant Realty Income  
19 Corporation shall be entitled to a refund of any prepaid taxes that apply to the portions of  
20 Assessor's Parcel Numbers 138-020-084, 138-020-085, and 138-030-021 described in the  
21 attached exhibit "A" for the period on and after March 19, 2006.

22           4. Payment to defendant Realty Income Corporation of the amount herein  
23 above specified constitutes payment in full for the taking of those interests described in  
24 exhibit "A" hereto, including a fee simple interest, public street easement and an access  
25 denial line, and for all damages of any kind and nature whatsoever suffered by said



1 defendants by reason of such taking.

2 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
3 CONDEMNATION:

4 The interests of defendants Realty Income Corporation; Pacific Telephone &  
5 Telegraph Company (appearing in this matter as Pacific Bell Telephone Company);  
6 Riverside II Associates; Sixpence Inn of La Sierra Blvd, Ltd; Southern California Gas  
7 Company; David Kimbrough; John Masso, as Trustee Under Irrevocable Declaration Of  
8 Trust Of Alicia Fajer Dated March 30, 1981; The Heirs & Devisees of Kenneth E. Seals,  
9 Deceased, and All Persons Claiming By, Through, or Under Said Decedent; Smartparks -  
10 Riverside, Inc.; Smartparks - Riverside, Inc., d/b/a Castle Park; First American Title  
11 Insurance Company; Bank of America, National Association; Festival Fun Parks, LLC;  
12 Antares Capital Corporation; Antares Capital Corporation d/b/a Delaware Antares Capital  
13 Corporation; Windward Capital Management, LLC; Sidney R. Title; The Heirs & Devisees  
14 of Charlotte W. Title, Deceased, and All Persons Claiming By, Through, or Under Said  
15 Decedent; Lawrence Greener; Rosemary Greener; and All Persons Unknown Claiming An  
16 Interest In The Property in the real property described in the attached exhibit "A" are hereby  
17 condemned for the public use and purpose described in the complaint herein, to wit, to  
18 realign and widen a section of Diana Avenue and the State Route 91 (SR91) interchange at  
19 La Sierra Avenue, plaintiff to take title to the interest(s) of said defendants in said real  
20 property together with all improvements thereon in which said defendant has an interest, and  
21 except as otherwise described in the attached exhibit "A," free and clear of any and all liens,  
22 encumbrances, easements, and leaseholds of whatever kind or nature.

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The interests condemned to the City of Riverside in and to Assessor's Parcel  
Numbers 138-020-084, 138-020-085, 138-030-021 are legally described in Exhibit "A"  
hereto.

DATED: Oct 24, 2008 Sharon J. Waters  
JUDGE OF THE SUPERIOR COURT

SHARON J. WATERS

APPROVED AS TO CONTENT:

[Signature]  
Heriberto F. Diaz, Attorneys for plaintiff,  
City of Riverside

[Signature]  
Gary A. Kovacic, Attorneys for defendant,  
Realty Income Corporation

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The interests condemned to the City of Riverside in and to Assessor's Parcel  
Numbers 138-020-084, 138-020-085, 138-030-021 are legally described in Exhibit "A"  
hereto.

DATED \_\_\_\_\_, 2008 \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

APPROVED AS TO CONTENT

\_\_\_\_\_  
Herberto F. Diaz, Attorneys for plaintiff,  
City of Riverside

*Gary A. Kovacic*  
\_\_\_\_\_  
Gary A. Kovacic, Attorneys for defendant,  
Realty Income Corporation

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EXHIBIT "A"

Parcels 06 D and 07 D – *Fee Simple Absolute*  
(*Future State Route 91 Property*)  
A.P.N. 138-020-084 and 138-020-085

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

That portion of Parcels 1 and 2 of Parcel Map 20269, as shown by map on file in Book 133 of Parcel Maps, at Pages 20 and 21 thereof, records of Riverside County, California, described as follows:

BEGINNING at the most southerly corner of Parcel 1 of Parcel Map 15999, as shown by map on file in Book 90, Pages 66 and 67 of Maps, records of Riverside County, California;

THENCE along the southerly line of said Parcel 1 of Parcel Map 20269, South 75°00'00" East, a distance of 136.82 feet to the beginning of a tangent curve concaving northerly and having a radius of 545.00 feet;

THENCE southeasterly to the left along said curve and continuing along said southerly line of Parcel 1, through a central angle of 24°08'09" an arc length of 229.58 feet;

THENCE continuing along said southerly line of Parcel 1, North 80°51'51" East, a distance of 44.19 feet to the most southerly corner of said Parcel 2;

THENCE along the southerly line of said Parcel 2, North 80°51'51" East, a distance of 118.39 feet to a point distant 47.77 feet westerly from the most easterly corner of said Parcel 2, and the beginning of a non-tangent curve concaving northerly, having a radius of 760.05 feet and to which the radius bears North 0°23'24" East;

THENCE westerly to the right along said last mentioned curve through a central angle of 9°13'29" an arc length of 122.37 feet to a point in the westerly line of said Parcel 2, distant 29.86 feet northerly from said most southerly corner of Parcel 2; the radial line at said point bears South 9°36'53" West;

THENCE continuing westerly to the right along said curve having a radius of 760.05 feet through a central angle of 5°13'15" an arc length of 69.26 feet;

THENCE North 77°37'12" West, a distance of 0.84 of a foot;

THENCE North 80°04'33" West, a distance of 187.01 feet to the beginning of a tangent curve concaving southerly and having a radius of 372.25 feet;

THENCE westerly to the left along said last mentioned curve through a central angle of



25°35'14" an arc length of 166 24 feet to a point in the southwesterly line of Parcel 1 of said Parcel Map 20269, distant 33 95 feet northwesterly from said most southerly corner of Parcel 1 of Parcel Map 15999,

THENCE along said southwesterly line, South 33°45'37" East, a distance of 33 95 feet to the POINT OF BEGINNING

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Area - 26,478 square feet

Parcels 06 A, 07 A and 08A - *Public Street Easement*  
(*Future Portion of Diana Avenue*)

A.P.N. 138-020-084, 138-020-085 and 138-030-021

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

That portion of Parcels 1 and 2 of Parcel Map 20269, as shown by map on file in Book 133 of Parcel Maps, at Pages 20 and 21 thereof, records of Riverside County, California, and that portion of Lot 11 in Block 39 of the Lands of the Riverside Land and Irrigating Co., as shown by map on file in Book 1, Page 72 of Maps, records of San Bernardino County, California, described as follows:

BEGINNING at the most easterly corner of said Parcel 2;

THENCE South 80°51'51" West, along the southerly line of said Parcel 2, a distance of 47.77 feet to the beginning of a non-tangent curve concaving northerly, having a radius of 760 05 feet and to which the radius bears North 0°23'24" East,

THENCE westerly to the right along said curve an arc length of 122 37 feet through a central angle of 9°13'29" to a point in the westerly line of said Parcel 2, distant 29.86 feet northerly from said most southerly corner of Parcel 2, the radial line at said point bears South 9°36'53" West,

THENCE continuing westerly to the right along said curve having a radius of 760 05 feet an arc length of 69 26 feet through a central angle of 5°13'15",

THENCE North 77°37'12" West, a distance of 0 84 of a foot;

THENCE North 80°04'33" West, a distance of 187 01 feet to the beginning of a tangent curve concaving southerly and having a radius of 372.25 feet;



THENCE westerly to the left along said last mentioned curve through a central angle of 25°35'14" an arc length of 166.24 feet to a point in the southwesterly line of Parcel 1 of said Parcel Map 20269, distant 33.95 feet northwesterly from the most southerly corner of Parcel 1 of Parcel Map 15999, as shown by map on file in Book 90, Pages 66 and 67 of Maps, records of Riverside County, California,

THENCE along said southwesterly line of Parcel 1, North 33°45'37" West, a distance of 81.05 feet to the northwesterly line of Parcel 1 of said Parcel Map 20269,

THENCE along said northwesterly line, North 56°21'24" West, a distance of 33.99 feet to the beginning of a non-tangent curve concaving northeasterly and having a radius of 78.55 feet and to which the radius bears North 45°22'13" East,

THENCE southeasterly to the left along said last mentioned curve through a central angle of 51°48'49" an arc length of 71.03 feet to a point of reverse curvature with a tangent curve concaving northerly and having a radius of 645.82 feet;

THENCE easterly to the right along said last mentioned curve through a central angle of 19°55'46" an arc length of 224.64 feet to a point of reverse curvature with a tangent curve concaving northerly and having a radius of 1095.81 feet,

THENCE easterly to the left along said last mentioned curve through a central angle of 6°50'01" an arc length of 130.70 feet to a point in the easterly line of said Parcel 1 of Parcel Map 20269; the radial line to said point bears South 6°39'10" West,

THENCE continuing easterly to the left along said curve having a radius of 1095.81 feet through a central angle of 7°38'04" an arc length of 146.01 feet to a point in the northeasterly line of said Parcel 2, distant 73.82 feet northwesterly from the most easterly corner of said Parcel 2,

THENCE continuing easterly to the left along said curve having a radius of 1095.81 feet through a central angle of 8°05'22" an arc length of 154.72 feet;

THENCE South 9°08'09" East, a distance of 3.1 feet to the northerly line of Parcel 1 of those certain parcels of land described in Grant Deed to the City of Riverside by document recorded March 5, 1982, as Instrument No 38722 of Official Records of said Riverside County,

THENCE North 80°51'51" West, along said northerly line of Parcel 1, a distance of 147.73 feet to a point in said northeasterly line of Parcel 2, distant 58.25 feet northwesterly from said most easterly corner of Parcel 2;

THENCE South 33°38'36" East, along said northeasterly line, a distance of 58.25 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion of said Parcel 1 of Parcel Map 20269, described in Offer of Dedication to the City of Riverside by document recorded April 10, 1981, as



Instrument No 64656 of Official Records of said Riverside County,

Area – 32,671 square feet

Parcels 06 and 07 – Access Denial Line  
(RIC's Remaining Lands abutting State Highway Route 91  
shall have no right or easement of access thereto)  
A.P.N. 138-020-084 and 138-020-085

All that portion of Parcels 1 and 2 of Parcel Map 20269, as shown by map on file in Book 133 of Parcel Maps, at Pages 20 and 21 thereof, records of Riverside County, California, shall have no right or easement of access to that portion of State Highway Route 91, through, under, upon, over, or along the following described line:

COMMENCING at the most southerly corner of Parcel 1 of Parcel Map 15999, as shown by map on file in Book 90, Pages 66 and 67 of Maps, records of Riverside County, California;

THENCE along the southerly line of said Parcel 1 of Parcel Map 20269, South 75°00'00" East, a distance of 136.82 feet to the beginning of a tangent curve concaving northerly and having a radius of 545 00 feet,

THENCE southeasterly to the left along said curve and continuing along said southerly line of Parcel 1, through a central angle of 24°08'09" an arc length of 229.58 feet,

THENCE continuing along said southerly line of Parcel 1, North 80°51'51" East, a distance of 44.19 feet to the most southerly corner of said Parcel 2,

THENCE along the southerly line of said Parcel 2, North 80°51'51" East, a distance of 118.39 feet to a point distant 47.77 feet westerly from the most easterly corner of said Parcel 2, and the POINT OF BEGINNING of this line description; said point also being the beginning of a non-tangent curve concaving northerly, having a radius of 760 05 feet and to which the radius bears North 0°23'24" East,

THENCE westerly to the right along said last mentioned curve an arc length of 122.37 feet through a central angle of 9°13'29" to a point in the westerly line of said Parcel 2, distant 29 86 feet northerly from said most southerly corner of Parcel 2, the radial line at said point bears South 9°36'53" West,

THENCE continuing westerly to the right along said curve having a radius of 760 05 feet an arc length of 69 26 feet through a central angle of 5°13'15",

THENCE North 77°37'12" West, a distance of 0 84 of a foot;

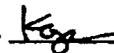
THENCE North 80°04'33" West, a distance of 187 01 feet to the beginning of a tangent



curve concaving southerly and having a radius of 372.25 feet;

THENCE westerly to the left along said last mentioned curve through a central angle of 25°35'14" an arc length of 166.24 feet to a point in the southwesterly line of Parcel 1 of said Parcel Map 20269, distant 33.95 feet northwesterly from said most southerly corner of Parcel 1 of Parcel Map 15999, and the END of this line description.

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

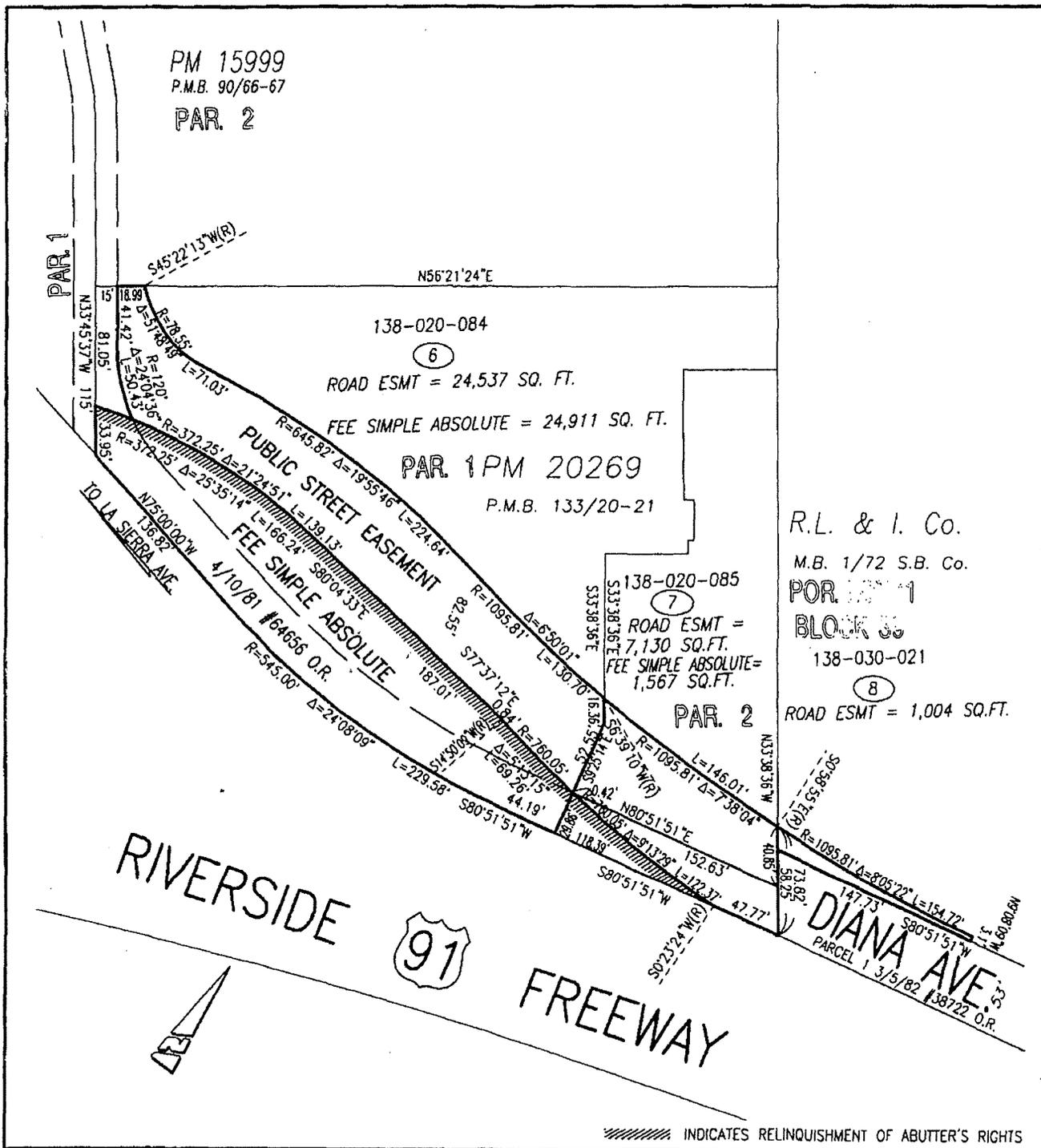
  
Mark S. Brown, L.S. 5655      1/28/07      Date      Prep.   
License Expires 9/30/07



RIC EXHIBIT A STIPULATION.DOC



PM 15999  
 P.M.B. 90/66-67  
 PAR. 2



R.L. & I. Co.  
 M.B. 1/72 S.B. Co.  
 PORTLAND  
 BLOCK 36  
 138-030-021  
 (8)  
 ROAD ESMT = 1,004 SQ. FT.

• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: N.T.S.

DRAWN BY: Kgs DATE: 1/29/07

SUBJECT: LA SIERRA AVENUE-SR91 INTERCHANGE IMPROVEMENTS



2009-0166256  
 04/06/2009 08:00A  
 18 of 19

10362

RECEIVED

MAY 07 2009

City of Riverside  
City Clerk's Office

This must be in red to be a  
"CERTIFIED COPY"

Each document to which this certificate is attached  
is certified to be a full, true and correct copy of the  
original on file and of record in my office.

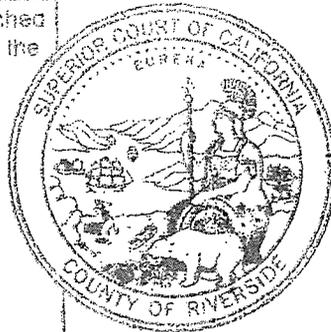
Superior Court of California  
County of Riverside

By

DEPUTY

Dated:

4/3/09

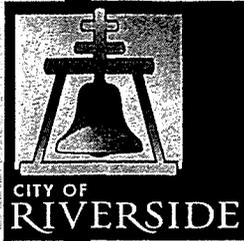


Certification must be in red to be a  
"CERTIFIED COPY"



2009-0166256  
04/06/2009 08:00A  
19 of 19

16302



**MEMORANDUM**  
**CITY ATTORNEY'S OFFICE**

**RECEIVED**

MAY 06 2009

City of Riverside  
City Clerk's Office

TO: City Clerk

FROM: Kimberly Oehlert  
Legal Assistant

DATE: May 5, 2009

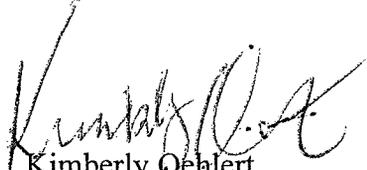
RE: City v. Realty Income (La Sierra Ave/SR91 Interchange Project)  
Our File Number 05-2870

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Enclosed is the original recorded Judgment and Final Order of Condemnation for the above-referenced eminent domain matter. Please retain this document as the City's official record.

NOTE: This document was previously sent to the City Clerk's office for retention on December 3, 2008. However, it was subsequently noted to be missing a page. Therefore, the complete document (enclosed) was recorded again and supercedes the previously recorded document (Instrument #2008-0607001).

If you have any questions regarding the foregoing, please contact the undersigned.

  
Kimberly Oehlert  
Ext. 5768

Enclosure