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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 HECTOR T. DUARTE AND ARLEEN DUARTE
CASE NO. RIC542627

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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."

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10 Attorneys for Plaintiff, City of Riverside

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 29 2012

TLG

JUN 04 2012

(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)
15 municipal corporation,)

16 Plaintiff,)

17 vs.)

18 HECTOR T. DUARTE, etc.; et al,)

19 Defendants.)

CASE NO. RIC542627
Assigned for Case Management
Purposes to the Hon. Jacqueline C. Jackson
Dept. 7

PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION AS TO
DEFENDANTS HECTOR T. DUARTE
AND ARLEEN DUARTE

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

Complaint filed: December 21, 2009
Hearing: June 8, 2012

24 Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter
25 "City"), by and through Brandon S. Mercer, Deputy City Attorney, and Hector T. Duarte and
26 Arleen Duarte, individually and as Trustees of the Hector T. Duarte and Arleen Duarte Family
27 Trust Created on May 20th, 1993, (collectively "Defendants"), by and through their attorneys,
28 Century Law Group, LLP, that a Partial Judgment and Final Order of Condemnation as to

1
PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
AS TO DEFENDANTS HECTOR T. DUARTE AND ARLEEN DUARTE

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1 Assessor's Parcel Numbers 146-231-017, 146-231-023, 146-231-024, and 146-231-027 may be
2 made and entered herein in accordance with the terms and conditions hereof without further
3 notice to said defendants,

4 IT IS HEREBY FOUND AND DETERMINED:

5 1. The interest of Defendants in and to the real property designated in the complaint
6 as Assessor's Parcel Numbers 146-231-017, 146-231-023, 146-231-024, and 146-231-027 is fee
7 simple absolute. The interests being acquired by the City through this eminent domain action are
8 a fee simple, a public street & highway easement, and a temporary construction easement, as
9 more particularly described in Exhibit 'A' hereto.

10 2. By execution of the Stipulation re Settlement and for Entry of Partial Judgment
11 and Final Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial,
12 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
13 Order of Condemnation as to Assessor's Parcel Numbers 146-231-017, 146-231-023, 146-231-
14 024, and 146-231-027, and the right and time for appeal.

15 3. By execution of the Stipulation, Defendants expressly waive the right to challenge
16 the City's right to acquire the property by eminent domain, the right to further and greater
17 compensation, and the right to an award of interest, attorneys fees and costs, to the extent that
18 they may be allowable by law.

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

26 5. Pursuant to the Stipulation, Defendants make a knowing waiver of any and all
27 rights created by California Civil Code section 1542.
28

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1 6. Pursuant to the Stipulation, the total amount of just compensation to be paid by
2 plaintiff to Defendants is the sum of Five Hundred Seventy-eight Thousand Dollars
3 (\$578,000.00) ("Award").
4 5. On December 18, 2009, City deposited the sum of Four Hundred Forty Thousand
5 Three Hundred Dollars (\$440,300.00) with the Treasurer of the State of California,
6 Condemnation Fund, as a deposit of probable just compensation for Assessor's Parcel Numbers
7 146-231-017, 146-231-023, 146-231-024, and 146-231-027.
8 6. On April 9, 2010, the court entered an Order for Withdrawal of Deposit of
9 Probable Amount of Just Compensation ("Withdrawal Order") in favor of Defendants in the
10 amount of Four Hundred Forty Thousand Three Hundred Dollars (\$440,300.00).
11 7. On or about June 4, 2010, the Treasurer of the State of California issued payment
12 in the total amount of \$440,300 pursuant to the Withdrawal Order. No funds remain on deposit
13 for APN 146-231-017, 146-231-023, 146-231-024, and 146-231-027.
14 8. City represents that payment of that portion of the Award remaining to be paid in
15 the amount of One Hundred Thirty-seven Thousand Seven Hundred Dollars (\$137,700.00) will
16 be made within thirty (30) days after entry of this Partial Judgment and Final Order of
17 Condemnation.
18 9. An Order of Prejudgment Possession became effective as to the interest of
19 Defendants in and to Assessor's Parcel Number 146-231-017, 146-231-023, 146-231-024, and
20 146-231-027 on May 10, 2010.
21 10. The use for which an interest in and to Assessor's Parcel Number 146-231-017,
22 146-231-023, 146-231-024, and 146-231-027 is being acquired is a use authorized by law and
23 the acquisition of said interest is necessary to said use.
24 11. There are no past real property taxes, assessments, or penalties currently due and
25 owing for the real property to be acquired or the larger parcel of which the real property is a
26 part.
27 ///
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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 Hector T. Duarte and Arleen Duarte, individually and as Trustees of the Hector T. Duarte and Arleen Duarte Family Trust Created on May 20th, 1993, (collectively "Defendants") in and to Assessor's Parcel Numbers 146-231-017, 146-231-023, 146-231-024, and 146-231-027 is the total sum of Five Hundred Seventy-eight Thousand Dollars (\$578,000.00) ("Award").

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 Assessor's Parcel Number 146-231-017, 146-231-023, 146-231-024, and 146-231-027.

3. That portion of the Award remaining to be paid herein in the amount of One Hundred Thirty-seven Thousand Seven Hundred Dollars (\$137,700.00) shall be paid by plaintiff outside these court proceedings to Defendants as follows: the draft shall be made payable to "Century Law Group LLP Client Trust Account" and forwarded to:

Rizza Gonzales, Esq.
CENTURY LAW GROUP, LLP
5200 W. Century Blvd., Ste. 345
Los Angeles CA 90045

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

6. An Order of Prejudgment Possession became effective as to the interest of Defendants in and to Assessor's Parcel Number 146-231-017, 146-231-023, 146-231-024, and 146-231-027 on May 10, 2010.

7. Pursuant to Revenue and Taxation Code section 5082, all current, general, and special county taxes due and owing to the county of Riverside as to the real property described

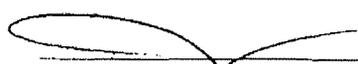
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1 in Exhibit "A" shall be prorated to May 10, 2010. As of May 10, 2010, the property shall be
2 exempt from general and special county taxes and all such taxes shall be canceled after that date
3 pursuant to Revenue and Taxation Code sections 4985 et seq. and 5081 et seq.

4 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
5 CONDEMNATION:

6 The interest of defendants Hector T. Duarte and Arleen Duarte, individually and as
7 Trustees of the Hector T. Duarte and Arleen Duarte Family Trust Created on May 20th, 1993,
8 (collectively "Defendants") in the real property described in Exhibit "A" as to Assessor's Parcel
9 Numbers 146-231-017, 146-231-023, 146-231-024, and 146-231-027 is hereby condemned for
10 the public use and purposes described in the Complaint as the realignment of La Sierra Avenue,
11 Hole Avenue, and Pierce Street at Five Points. Plaintiff City of Riverside to take title to the
12 interests of Defendants in said real property, together with all improvements thereon in which
13 said defendants have an interest, free and clear of any and all liens, encumbrances, easements,
14 and leaseholds, of whatever kind or nature.

15
16 DATED: 5/29/10


JUDGE OF THE SUPERIOR COURT

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Exhibit A

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FIVE POINTS
A.P.N. 146-231-017
FEE SIMPLE INTEREST

ALL OF THAT CERTAIN REAL PROPERTY AS CONVEYED TO THE HECTOR T. DUARTE AND ARLEEN DUARTE FAMILY TRUST, AS PARCEL 2 BY GRANT DEED RECORDED MAY 24, 1993, AS INSTRUMENT NO. 191612 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 8 IN BLOCK 58 OF TRACT NO. 2 OF LA SIERRA HEIGHTS, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, ALSO SHOWN AS A PORTION OF LOT 6 OF ASSESSOR'S MAP NO. 21, ON FILE IN BOOK 1 PAGE 26 OF ASSESSOR'S MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 6;

THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 6, 80.17 FEET;

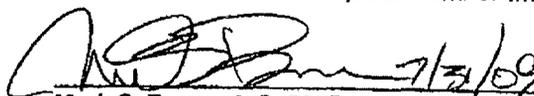
THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6, 30.00 FEET;

THENCE EASTERLY AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 6, 65.48 FEET TO A POINT IN SAID EASTERLY LINE THAT IS 76.23 FEET SOUTHERLY FROM THE MOST NORTHERLY CORNER OF SAID LOT 6;

THENCE NORTHERLY ALONG THE SAID EASTERLY LINE, 76.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.080 ACRES, MORE OR LESS.

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

 7/3/09 Prep. E.V.
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/09



FIVE POINTS
A.P.N. 146-231-027
FEE SIMPLE INTEREST

ALL OF THAT CERTAIN REAL PROPERTY AS CONVEYED TO HECTOR T. DUARTE AND ARLEEN DUARTE, TRUSTEES OF THE HECTOR T. DUARTE AND ARLEEN DUARTE FAMILY TRUST, CREATED ON MAY 20, 1993, BY GRANT DEED RECORDED MAY 24, 1993, AS INSTRUMENT NO. 191612 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID REAL PROPERTY IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 8 IN BLOCK 58 OF TRACT NO. 2 OF LA SIERRA HEIGHTS, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 6, AS SHOWN BY ASSESSOR'S MAP NO. 21, ON FILE IN BOOK 1 PAGE 26 OF ASSESSOR'S MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 6, 103.91 FEET, MORE OR LESS TO A POINT 76.23 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 6;

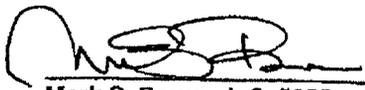
THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 6, 65.48 FEET;

THENCE SOUTHERLY, PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 6, DISTANT 65.48 FEET WESTERLY FROM THE SOUTHEASTERLY CORNER THEREOF;

THENCE EASTERLY, ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.143 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

08/06/09 Date
Prep. E.V.



FIVE POINTS
PUBLIC STREET & HIGHWAY ESMT.
POR. APN 146-231-023 & 024

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

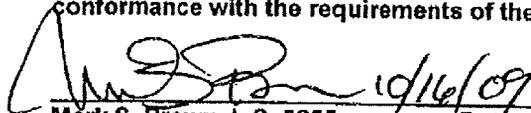
The Northwesternly 10.00 feet of Lots 1 and 2 of Assessor's Map No. 21 on file in Book 1, Page 26 of Assessor's Map, Records of Riverside County, California, lying within Lot 8 in Block 58 of Tract No. 2 of La Sierra Heights as shown by map on file in Book 7 of Maps, at Page 66 thereof, Records of Riverside County, California.

EXCEPTING THEREFROM the Southwesterly 3.50 feet of said Lot 2.

The Southeasterly line of said Northwesternly 10.00 feet being parallel and distant 30.00 feet Southeasterly, measured at right angles from the centerline of Bushnell Avenue as shown on La Sierra Gardens by map on file in Book 11 of Maps, at Pages 42 through 50 thereof, Records of Riverside County, California.

The above described parcel of land contains 790 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.


Mark S. Brown, L.S. 5655 10/16/09 Date Prep. E.V.
License Expires 9/30/11



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FIVE POINTS
APN: 146-231-023 & 024
T.C.E.

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

The Northwesterly 20.00 feet of Lots 1 and 2 of Assessor's Map No. 21 on file in Book 1, Page 26 of Assessor's Map, Records of Riverside County, California, lying within Lot 8 in Block 58 of Tract No. 2 of La Sierra Heights as shown by map on file in Book 7 of Maps, at Page 66 thereof, Records of Riverside County, California.

EXCEPTING THEREFROM the Southwesterly 3.50 feet of said Lot 2.

ALSO EXCEPTING THEREFROM the Northwesterly 10.00 feet of said Lots 1 and 2.

The Southeasterly line of said Northwesterly 20.00 feet being parallel and distant 40.00 feet Southeasterly, measured at right angles from the centerline of Bushnell Avenue as shown on La Sierra Gardens by map on file in Book 11 of Maps, at Pages 42 through 50 thereof, Records of Riverside County, California.

The above described parcel of land contains 790 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.

 10/4/09 Prep. E.V.
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11



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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.

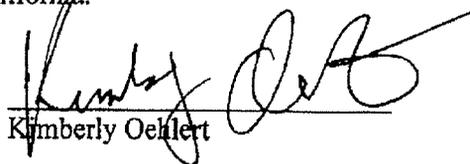
On May 23, 2012, I served the within PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS HECTOR T. DUARTE AND ARLEEN DUARTE on the interested parties in said action addressed as follows:

Edward O. Lear, 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 defendant: Hector T. Duarte and Arleen Duarte, individually and as Trustees of the Hector T. Duarte and Arleen Duarte Family Trust Created on May 20 th , 1993
---	---

- (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.
- () **VIA FACSIMILE** - I caused such document to be delivered to the office of the addressee via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted from the office of City Attorney in Riverside, California, 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 May 23, 2012, at Riverside, California.


Kimberly Oehlert



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