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County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

When Recorded Mail To:

Riverside City Attorney's Office

3900 Main Street

Riverside, CA 92522

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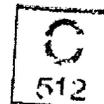


This instrument is for the benefit of the City of Riverside and is exempt from recording fees (Government Code § 27383¹)

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**PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION
AS TO DEFENDANTS DAVID AND MARIA ALVAREZ
CASE NO. RIC408338**



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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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1 GREGORY P. PRIAMOS, City Attorney #136766
HERIBERTO F. DIAZ, Deputy City Attorney #132821
2 CITY OF RIVERSIDE
City Hall, 3900 Main Street
3 Riverside, California 92522
Telephone (951) 826-5567
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 26 2005

5 Attorneys for Plaintiff, City of Riverside
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7



8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE
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11 CITY OF RIVERSIDE, a municipal corporation,
12 Plaintiff,
13 vs.
14 UNION PACIFIC RAILROAD, et al.,
15 Defendants.
16

CASE NO.: RIC 408338

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS DAVID AND MARIA ALVAREZ

Assessor's Parcel Numbers: 209-193-002, 003, and 014

17 Pursuant to a written Stipulation by and between Plaintiff City of Riverside, by and through
18 Heriberto F. Diaz, Deputy City Attorney, and Defendants David and Maria Alvarez, husband and
19 wife as joint tenants (hereinafter "Defendants"), by and through their attorney of record Arturo E.
20 Matthews, Jr., of Burnett & Matthews LLP, that a Partial Judgment and Final Order of
21 Condemnation as to Assessor's Parcel Numbers 209-193-002, 209-193-003, and 209-193-014,
22 may be made and entered herein in accordance with the terms and conditions hereof, without
23 further notice to said Defendants.

24 IT IS HEREBY FOUND AND DETERMINED:

25 1. The interests of defendants David and Maria Alvarez, husband and wife as joint
26 tenants, in the real property, designated in the complaint as Assessor's Parcel Numbers 209-193-
27 002, 209-193-003, and 209-193-014 to be condemned herein are a permanent public street and

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1 highway easement and a temporary construction easement.
2 2. By execution of the Stipulation herein, Defendants waived the right to jury trial,
3 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
4 Order of Condemnation as to Assessor's Parcel Numbers 209-193-002, 209-193-003, and 209-
5 193-014, and the right and time for appeal.
6 3. Defendants expressly waive the right to challenge the City of Riverside's right to
7 acquire the property by eminent domain; the right to further and greater compensation; the right to
8 an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.
9 4. Pursuant to said Stipulation, the total amount of just compensation is the sum of Thirty-
10 five Thousand Dollars (\$35,000.00) for Assessor's Parcel Numbers 209-193-002, 209-193-003,
11 and 209-193-014. Said sum is inclusive of fair market value and interest thereon, attorneys fees
12 and all costs of suit, including those costs defined in California Code of Civil Procedure
13 §1268.710 and litigation expenses including, but not limited to those defined in California Code of
14 Civil Procedure §1235.140.
15 5. Defendants own a fee simple interest in and to Assessor's Parcel Numbers 209-193-
16 002, 209-193-003, and 209-193-014.
17 6. The use for which an interest in and to Assessor's Parcel Numbers 209-193-002, 209-
18 193-003, and 209-193-014 is being acquired, is a use authorized by law and the acquisition of said
19 interest is necessary to said use.
20 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:
21 1. The total compensation, award and damages to be paid as a result of the condemnation
22 of the interests of Defendants in Assessor's Parcel Numbers 209-193-002, 209-193-003, and 209-
23 193-014 is the total sum of Thirty-five Thousand Dollars (\$35,000.00).
24 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant to
25 California Code of Civil Procedure §1268.710 and all litigation expenses including, but not
26 limited to, those defined in California Code of Civil Procedure §1235.140. Payment hereunder
27 shall further be deemed to be the total just compensation and damages, if any, to which Defendants

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1 shall be entitled by reason of the condemnation of Assessor's Parcel Numbers 209-193-002, 209-
2 193-003, and 209-193-014.

3 3. The award remaining to be paid herein is the amount of Thirty-five Thousand Dollars
4 (\$35,000.00) for Assessor's Parcel Numbers 209-193-002, 209-193-003, and 209-193-014. Said
5 sum shall be paid outside of these court proceedings and shall be payable as follows:

6 To Defendants David and Maria Alvarez and their attorney Arturo E. Matthews, Jr., the
7 sum of Thirty-Five Thousand Dollars (\$35,000) at the following address:

8 Burnett & Matthews
9 Arturo E. Matthews, Jr.
4675 MacArthur Court, Suite 1540
10 Newport Beach, CA 92660

11 4. Payment to Defendants of the sum herein above specified shall constitute payment in
12 full for the real property taken and for all damages of any kind and nature whatsoever suffered by
13 said defendants by reason of such taking.

14 5. An Order for Prejudgment Possession as to Assessor's Parcel Numbers 209-193-002,
15 209-193-003, and 209-193-014 became effective on June 18, 2005, ninety days after service.

16 6. Plaintiff's portion of taxes, if any, are cancelled as of the effective date of possession.

17 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
18 CONDEMNATION:

19 The interests of Defendants, in the following described real property, designated as
20 Assessor's Parcel Numbers 209-193-002, 209-193-003, and 209-193-014, are hereby condemned
21 for the public use and purposes described in the Complaint herein (widening and improving of
22 Market Street Gateway), Plaintiff City of Riverside to take title to the following interests of
23 Defendants in said real property, together with all improvements thereon in which said defendants
24 have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of
25 whatever kind or nature:

26 APN 209-193-002

27 That certain real property located in the City of Riverside, County of Riverside, State of

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California, described as follows:

Public Street and Highway Easement

The northwesterly 17.00 feet of the southeasterly 25.00 feet of Lot 15 of B.F. Allen's
Subdivision, as shown by map on file in Book 3, Page 34 of Maps, records of San
Bernardino County, California;
Area – 850 square feet.

Temporary Construction Easement

The northwesterly 10.00 feet of the southeasterly 35.00 feet of Lot 15 of B.F. Allen's
Subdivision, as shown by map on file in Book 3, Page 34 of Maps, records of San
Bernardino County, California;
Area – 500 square feet.

APN 209-193-003

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

Public Street and Highway Easement

The northwesterly 17.00 feet southeasterly 25.00 feet of Lot 16 of B.F. Allen's
Subdivision, as shown by map on file in Book 3, Page 34 of Maps, records of San
Bernardino County, California;
Area = 850 square feet.

Temporary Construction Easement

That portion of Lot 16 of B.F. Allen's Subdivision, as shown by map on file in Book 3,
Page 34 of Maps, records of San Bernardino County, California, described as follows:
COMMENCING at the most southerly corner of said Lot 16;
THENCE North 60° 14' 14" West, along the southwesterly line of said Lot 16, a distance of
17.00 feet to a line that is parallel with and distant 50.00 feet northwesterly, as measured at
right angles, from the centerline of Market Street as shown by said map and the POINT OF
BEGINNING of the parcel of land being described;

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1 THENCE North 60° 14' 14" West, continuing along said southwesterly line, a distance of
2 15.00 feet;
3 THENCE North 29° 44' 13" East, along a line parallel with said centerline, a distance of
4 7.00 feet;
5 THENCE South 60° 15' 47" East, a distance of 5.00 feet;
6 THENCE North 29° 44' 13" East, a distance of 43.00 feet to the northeasterly line of said
7 Lot 16;
8 THENCE South 60° 14' 14" East, along said northeasterly line, a distance of 10.00 feet to
9 said line that is parallel with and distant 50.00 feet northwesterly from said centerline of
10 Market Street;
11 THENCE South 29° 44' 13" West, along said last mentioned parallel line, a distance of
12 50.00 feet to the POINT OF BEGINNING.
13 Area = 535 square feet.

14 APN 209-193-014

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

17 Public Street and Highway Easement

18 The northwesterly 17.00 feet of the southeasterly 25.00 feet of Lot 17 of B.F. Allen's
19 Subdivision, as shown by map on file in Book 3, Page 34 of Maps, records of San
20 Bernardino County, California;
21 Area = 850 square feet.

22 Temporary Construction Easement

23 That portion of Lot 17 of B.F. Allen's Subdivision, as shown by map on file in Book 3,
24 Page 34 of Maps, records of San Bernardino County, California, described as follows:
25 COMMENCING at the most southerly corner of said Lot 17;
26 THENCE North 60° 14' 14" West, along the southwesterly line of said Lot 17, a distance of
27 17.00 feet to a line that is parallel with and distant 50.00 feet northwesterly, as measured at

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right angles, from the centerline of Market Street as shown by said map and the POINT OF BEGINNING of the parcel of land being described;
THENCE North 60° 14' 14" West, continuing along said southwesterly line, a distance of 5.00 feet;
THENCE North 29° 44' 13" East, along a line parallel with said centerline, a distance of 17.00 feet;
THENCE North 60° 15' 47" West, a distance of 10.00 feet;
THENCE North 29° 44' 13" East, a distance of 33.00 feet to the northeasterly line of said Lot 17;
THENCE South 60° 14' 14" East, along said northeasterly line, a distance of 15.00 feet to said line that is parallel with and distant 50.00 feet northwesterly from said centerline of Market Street;
THENCE South 29° 44' 13" West, along said last mentioned parallel line, a distance of 50.00 feet to the POINT OF BEGINNING.
Area = 580 square feet.

DATED: 7/25/05

Alicia C. Lewis
Judge of the Superior Court

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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 July 21, 2005, I served the within:

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANTS DAVID AND MARIA ALVAREZ

on the interested parties in said action addressed as follows:

SEE ATTACHED SERVICE LIST

(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.

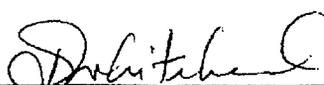
() **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to Code Civ. Proc. § 1011.

() **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to Code Civ. Proc. § 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 Code Civ. Proc. § 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 July 21, 2005, at Riverside, California.



Joann Whitehead



