

DOC # 2012-0325920

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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

Ref: CA# L10-0223.7

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. RIC10022411**

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<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."

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(Fee Exempt Gov't Code § 6103)

11  
12 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

14 CITY OF RIVERSIDE, a California charter  
city and municipal corporation,

15 Plaintiff,

16 vs.

17 OAKTREE RIVERSIDE, LP; et al,

18 Defendants.

) Case No. RIC10022411

) Assigned to the Honorable Craig G. Riemer

) Dept. 5

) JUDGMENT AND FINAL ORDER OF  
CONDEMNATION

) APN 247-130-019

Complaint Filed: 11/18/2010

20 This Judgment and Final Order of Condemnation is hereby made following disposition  
21 through the court proceedings described below of all parties and property interests alleged in the  
22 Complaint in Eminent Domain.

23 IT IS HEREBY FOUND AND DETERMINED:

24 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of  
25 the State of California, section 4090 of the Streets and Highways Code of the State of California,  
26 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section  
27 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to  
28 acquire real property or interests therein for public uses and purposes, to wit: to construct a grade

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1 separation across the existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue,  
2 between Palmyrita Avenue and Spring Street.

3 2. Plaintiff City of Riverside ("City") commenced this eminent domain action to  
4 condemn the following property interests which are legally described in the attached exhibit  
5 "A":

<u>APN</u>	<u>Interest to be Acquired</u>
247-130-019	Temporary Construction Easement

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9 3. After a duly noticed public hearing and an opportunity to be heard in compliance  
10 with Code of Civil Procedure section 1245.235, on November 16, 2010, plaintiff's City Council  
11 adopted Resolution Number 22121 authorizing plaintiff to acquire the property described in the  
12 attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with  
13 sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and  
14 determined that: (a) the public interest and necessity require the proposed project, (b) the  
15 proposed project is planned and located in the manner that will be the most compatible with the  
16 greatest public good and least private injury, (c) the acquisition and taking of interests in the  
17 property sought to be acquired are necessary for the Project, and (d) the offer required by section  
18 7267.2 of the Government Code has been made to the owners of record of the Subject Property.

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

<u>Defendant Name</u>	<u>Property Interest</u>
Oaktree Riverside, LP	Owner
East Riverside Land Company	Easement Holder
County of Riverside	Easement Holder
Southern California Edison Company	Easement Holder
Clare J. Taber, individually and as Trustee of the Clare J. Taber 1992 Trust dated May 26, 1992	Possible Claimant, Lessor
Vega Development Corp.	Possible Claimant
Pacific Electric Lighting & Sound, Inc.	Lessee
Christin J. Taber	Lessor

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<u>Defendant Name</u>	<u>Property Interest</u>
Gregory Lee Taber	Lessor
W.B. Walton Electric, Inc.	Tenant
W. B. Walton Enterprises, Inc.	Tenant
Back Seat Rider, LLC	Tenant
J&F Wood Products, Inc.	Tenant
David C. Anton dba Advanced Performance Technology	Tenant

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
County of Riverside	07/19/2011
Pacific Electric Lighting & Sound, Inc.	02/01/2011

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>
W.B. Walton Electric, Inc.	05/30/2012
W. B. Walton Enterprises, Inc.	05/30/2012

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>
East Riverside Land Company	07/21/2011
Clare J. Taber, individually and as Trustee of the Clare J. Taber 1992 Trust dated May 26, 1992	07/13/2011
Vega Development Corp.	01/31/2011
Christin J. Taber	07/13/2011
Gregory Lee Taber	07/13/2011

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Back Seat Rider, LLC	05/23/2011
J&F Wood Products, Inc.	01/31/2011
David C. Anton dba Advanced Performance Technology	01/31/2011

8. On July 18, 2011, a Stipulation and Order for Interlocutory Judgment was entered as to defendant Southern California Edison Company.

9. On May 24, 2012, a Stipulation re Settlement and For Entry of Partial Judgment ("Stipulation") was made and entered as to defendant Oaktree Riverside, LP (hereinafter "Oaktree").

10. On May 24, 2012, this court entered the Partial Judgment ("Partial Judgment") re Oaktree.

11. Pursuant to the Stipulation and Partial Judgment, the total amount of just compensation to be paid by plaintiff to Oaktree is \$50,000.00 ("Award"). The Award was paid by the City to Oaktree on June 15, 2012.

12. On June 25, 2012, this court entered the Final Order of Condemnation as to Defendant Oaktree Riverside, LP.

13. On November 17, 2010, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Nineteen Thousand Eight Hundred Dollars (\$19,800.00) as a deposit of probable just compensation for the property described in the attached exhibit "A."

14. On May 24, 2012, this court entered the Partial Judgment ("Partial Judgment") re Oaktree which authorized withdrawal of \$19,800.00 from funds on deposit with the State Treasurer for APN 247-130-019.

15. No funds remain on deposit with the State's Treasurer's Office for APN 247-130-019.

16. An Order of Prejudgment Possession ("OPP") became effective in and to the property described in the attached exhibit 'A' on April 16, 2011.

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

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1 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in  
2 condemnation is hereby made in favor of the City of Riverside. The following defendants are  
3 entitled to no compensation or damages: East Riverside Land Company; Clare J. Taber,  
4 individually and as Trustee of the Clare J. Taber 1992 Trust dated May 26, 1992; Vega  
5 Development Corp.; Christin J. Taber; Gregory Lee Taber; Back Seat Rider, LLC; J&F Wood  
6 Products, Inc.; David C. Anton dba Advanced Performance Technology; County of Riverside;  
7 Pacific Electric Lighting & Sound, Inc.; and Southern California Edison Company.

8 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
9 CONDEMNATION:

10 The interests of defendants East Riverside Land Company; Clare J. Taber, individually  
11 and as Trustee of the Clare J. Taber 1992 Trust dated May 26, 1992; Vega Development Corp.;  
12 Christin J. Taber; Gregory Lee Taber; Back Seat Rider, LLC; J&F Wood Products, Inc.; David  
13 C. Anton dba Advanced Performance Technology; County of Riverside; Pacific Electric  
14 Lighting & Sound, Inc.; and Southern California Edison Company in the real property described  
15 in the attached exhibit 'A' are hereby condemned for the public use and purpose described in the  
16 complaint herein, to wit, to construct a grade separation across the existing Burlington Northern  
17 Santa Fe railroad tracks at Iowa Avenue, between Palmyrita Avenue and Spring Street, plaintiff  
18 to take title to the interest(s) of said defendants in said real property together with all  
19 improvements thereon in which said defendant has an interest, and except as otherwise described  
20 in the attached exhibit "A," free and clear of any and all liens, encumbrances, easements, and  
21 leaseholds of whatever kind or nature.

22 The interests condemned to the City of Riverside in and to Assessor's Parcel Number  
23 247-130-019 are legally described in Exhibit 'A' hereto.

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DATED: July 9, 2012

JUDGE OF THE SUPERIOR COURT

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**Craig G. Riemer**  
**Judge of the Superior Court**

# EXHIBIT A



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IOWA AVENUE OVERPASS  
POR. APN: 247-130-019  
TEMPORARY CONSTRUCTION EASEMENT

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

That portion of Lot 60-1/2 of Map of East Riverside on file in Book 7 of Maps, at Page 33 thereof, Records of San Bernardino County, California, described as follows:

Beginning at the Northeast corner of Parcel 2 of Parcel Map 13281 on file in Book 64 of Parcel Maps at Pages 52 and 53 thereof, Records of Riverside County, California;

Thence N.89°07'39"W. along the Northerly line of said Parcel 2, a distance of 225.57 feet;

Thence N.00°19'19"E., a distance of 49.95 feet;

Thence S.89°13'58"E., a distance of 80.30 feet;

Thence N.03°32'09"E., a distance of 5.71 feet;

Thence N.89°35'51"E., a distance of 29.79 feet;

Thence S.00°00'58"W., a distance of 27.06 feet;

Thence N.89°39'54"E., a distance of 58.94 feet;

Thence N.00°18'57"W., a distance of 55.95 feet;

Thence S.89°10'42"W., a distance of 11.84 feet;

Thence N.00°03'22"E., a distance of 59.38 feet;

Thence S.89°56'38"E., a distance of 59.15 feet;

Thence N.38°50'07"E., a distance of 6.83 feet;

Thence N.00°45'37"E., a distance of 109.22 feet to the Northerly line of said Lot 60-1/2;



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Thence S.89°10'50"E. along said Northerly line, a distance of 1.80 feet to the Westerly line of that certain parcel of land described in Deed to the City of Riverside recorded November 4, 1988 as Instrument no. 323697, Official Records of Riverside County, California;

Thence S.00°17'01"E. along said Westerly line, a distance of 261.12 feet to the point of beginning.

The above described parcel of land contains 16,667 square feet, more or less.

This temporary easement and right-of-way shall terminate 16 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by 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.

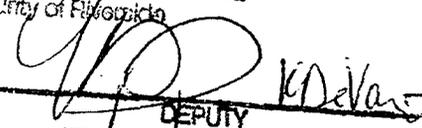
 10/5/2010 Prep. E.V.  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/11



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: 7/11/12

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

