

DOC # 2013-0132783

03/19/2013 03:49P Fee:NC

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Recorded in Official Records
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# L08-0037.1

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

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Space above this line reserved for Recorder's use.

**FINAL ORDER OF CONDEMNATION
AS TO APNS 234-150-034 AND 234-150-045
CASE NO. RIC512328**

D- 16862

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."

16862

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12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF RIVERSIDE

15
16 CITY OF RIVERSIDE, a California charter
17 city and municipal corporation,

17 Plaintiff,

18 vs.

19 AAR PROPERTIES, LLC et al,

20 Defendants.

Case No. RIC 512328

FINAL ORDER OF CONDEMNATION
AS TO APNS 234-150-034 AND 234-150-045

- [Filed concurrently with:
1. Stipulation and Order For Entry of Judgment in Condemnation;
 2. Judgment in Condemnation;
 3. Application for an Order to Disburse Funds; and
 4. Order to Disburse Funds.]

Complaint filed: November 5, 2008

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE
SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR -7 2013

J. Castillo

MC

MAR 11 2013

CS

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FINAL ORDER OF CONDEMNATION APNS 234-150-034 AND 234-150-045



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LAW OFFICES OF
BEST BEST & KRIEGER LLP
3360 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 Final Judgment having been entered in the above-entitled action, and it appearing to the
2 satisfaction of the Court that Plaintiff City of Riverside ("City"), pursuant to said Judgment, has
3 paid to and Defendants AAR Properties, LLC; Aldo Vaccher; The Heirs and Devises of Rose
4 Vaccher; Aldo Vaccher as Trustee of the Survivor's, Administrative, and Marital Trusts Created
5 Under the Vaccher Family 1999 Administrative Trust; Robert Vaccher and Anita Husted
6 ("Defendants"), the total sum awarded by the Court as just compensation and payment for all
7 claims or demands against the City for the fee and temporary construction easement interests in
8 portions of certain real property located in Riverside County, described in the City's Complaint
9 for the purpose of widening and improving Van Buren Boulevard and the bridge structure at the
10 interchange with State Route 91, in Riverside County, California ("Project"), identified as
11 Assessor Parcel Numbers 234-150-034 and 234-150-045 ("Subject Properties"), and attached
12 hereto as Exhibit "A."

13
14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Subject Properties
15 and related interests described in Exhibit "A" attached hereto shall be condemned to the City as
16 against Defendants as follows:

- 17 a. A temporary construction easement interest in a portion of the real property
18 identified as Assessor Parcel Number 234-150-034; and
19
20 b. A fee simple absolute interest and a temporary construction easement in a
21 portion of the real property identified as Assessor Parcel Number 234-150-
22 034; and
23
24 c. A fee simple interest in a portion of the real property identified as Assessor
Parcel Number 234-150-045.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Subject Properties
26 are condemned for the use and purpose described as the widening and improving of Van Buren
27 Boulevard and the bridge structure at the interchange with State Route 91, in Riverside County,
28 California and for such other uses as are permitted by Article I, section 19 of the California

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FINAL ORDER OF CONDEMNATION APNS 234-150-034 AND 234-150-045



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LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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Constitution, sections 37350.5, 39792, and 40404 of the California Government Code, and section 1240.010 of the California Code of Civil Procedure, which is a public use authorized by law, and the taking of said Subject Properties is necessary for said use and purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all liens, charges, conditions and restrictions upon the Property being condemned, including all real property taxes, assessments, penalties and costs, are hereby ordered canceled from and after March 25, 2009, the date the City was entitled to and did take possession of the Subject Properties.

DATED: 3/6/13


JUDGE OF THE SUPERIOR COURT

Gloria Connor Trask



EXHIBIT "A"



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Van Buren SR91 Interchange Improvements
REAL PROPERTY INTERESTS

A – Fee Simple Absolute – (Grant Deed)

Fee simple absolute interest.

A - Fee Simple Interest – (Grant Deed)

Fee simple interest.

B – Temporary Construction Easement - (Temporary Construction Easement)

A temporary easement and right-of-way for the purpose of installing public improvements. Such use may include, but is not limited to ingress and egress of persons and vehicles, grading of slopes, the deposit of tools, equipment, machinery, and materials used in the performance of the construction, and for similar purposes.

Upon completion of construction, Grantee promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. Grantee further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation, to its original condition prior to entry. This easement shall terminate upon completion of the public improvements and acceptance by City of the construction of the improvements on the affected real property.

C – Access Denial - (Access Denial to Freeway)

For freeway purposes, lands abutting said freeway shall have no right or easement of access thereto.

C – Access Denial - (Access Denial to Public Street)

The extinguishment of certain access rights to and from private lands to a public street as so defined.

D – Wall Tie-Back Easement - (Wall Tie-Back Facilities and Incidents Easement)

An easement upon, over and across grantor's property for wall tie-back purposes and incidents thereto.

F – Access Easement - (Ingress/Egress Easement)

An easement upon, over and across grantor's property for ingress and egress purposes to provide vehicular and pedestrian access to a public street.



PARCEL 10
State Parcel No. 20896 - KP 22.74
Van Buren SR-91
A.P.N. 234-150-034

Parcel 10 A - *Fee Simple Absolute*

Parcel 20896: For freeway purposes, that certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

Those portions of Lot 28 in Block 26 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

PARCELA

COMMENCING at the most southerly corner of Parcel 1 of Record of Survey on file in Book 48, Page 83 of Record of Surveys, records of Riverside County, California; said most southerly corner being in a line that is parallel with and distant 13.411 meters (44.00 feet) northwesterly, as measured at right angles from the centerline of Indiana Avenue as shown by said Record of Survey;

THENCE along the southwesterly line of said Parcel 1, North 39°07'31" West, a distance of 4.154 meters (13.63 feet) to the POINT OF BEGINNING of the parcel of land being described; said southwesterly line also being the northeasterly line of that certain parcel of land described in Grant Deed to the State of California by document recorded February 2, 1996, as Instrument No. 040851 of Official Records of Riverside County, California;

THENCE continuing along said southwesterly line of Parcel 1 and along said northeasterly line, North 39°07'31" West, a distance of 19.665 meters (64.52 feet) to the most westerly corner of said Parcel 1; said corner being a point in a curve concaving northwesterly, having a radius of 1523.952 meters (4999.83 feet) and to which the radius bears North 31°35'14" West; said corner also being in the southeasterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 5 of 23 Sheets on file with the County Surveyor of Riverside County, California;

THENCE northeasterly to the left along said curve and along the northwesterly line of said Parcel 1 and along said southeasterly line of State Highway Route 91, through a central angle of 1°03'39" an arc length of 28.219 meters (92.58 feet);

THENCE South 20°47'42" West, a distance of 32.367 meters (106.19 feet) to the POINT OF BEGINNING.

Lands abutting said freeway shall have no right or easement of access thereto.

Area - 274.160 square meters (2951.0 square feet).



PARCEL B

BEGINNING at the most southerly corner of Parcel 1 of Record of Survey on file in Book 48, Page 83 of Record of Surveys, records of Riverside County, California; said most southerly corner being in a line that is parallel with and distant 13.411 meters (44.00 feet) northwesterly, as measured at right angles from the centerline of Indiana Avenue as shown by said Record of Survey;

THENCE along the southwesterly line of said Parcel 1, North 39°07'31" West, a distance of 2.144 meters (7.03 feet) to a line that is parallel with and distant 2.134 meters (7.00 feet) northwesterly, as measured at right angles, from the southeasterly line of said Parcel 1; said southwesterly line also being the northeasterly line of that certain parcel of land described in Grant Deed to the State of California by document recorded February 2, 1996, as Instrument No. 040851 of Official Records of Riverside County, California;

THENCE along said parallel line, North 56°22'53" East, a distance of 62.297 meters (204.38 feet); this course is hereinafter referred to as "Course A";

THENCE continuing along said parallel line, North 56°22'53" East, a distance of 13.624 meters (44.70 feet) to the northeasterly line of said Parcel 1;

THENCE along said northeasterly line of Parcel 1, South 33°35'30" East, a distance of 2.134 meters (7.00 feet) to the most easterly corner of said Parcel 1;

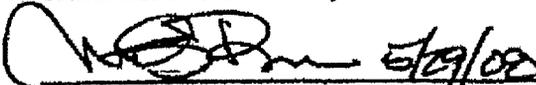
THENCE along the southeasterly line of said Parcel 1, South 56°22'53" West, a distance of 75.713 meters (248.40 feet) to the POINT OF BEGINNING.

Together with the extinguishment of all easements of access appurtenant to that portion of the owner's remaining property which lies northwesterly of the above described Parcel B in and to said Indiana Avenue over and across said Course "A" hereinabove described.

Area - 161.756 square meters (1741.1 square feet).

The bearings and distances used in the above descriptions are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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

 5/29/09 Prep. Kay
Mark S. Brown, L.S. 5855 Date
License Expires 9/30/09



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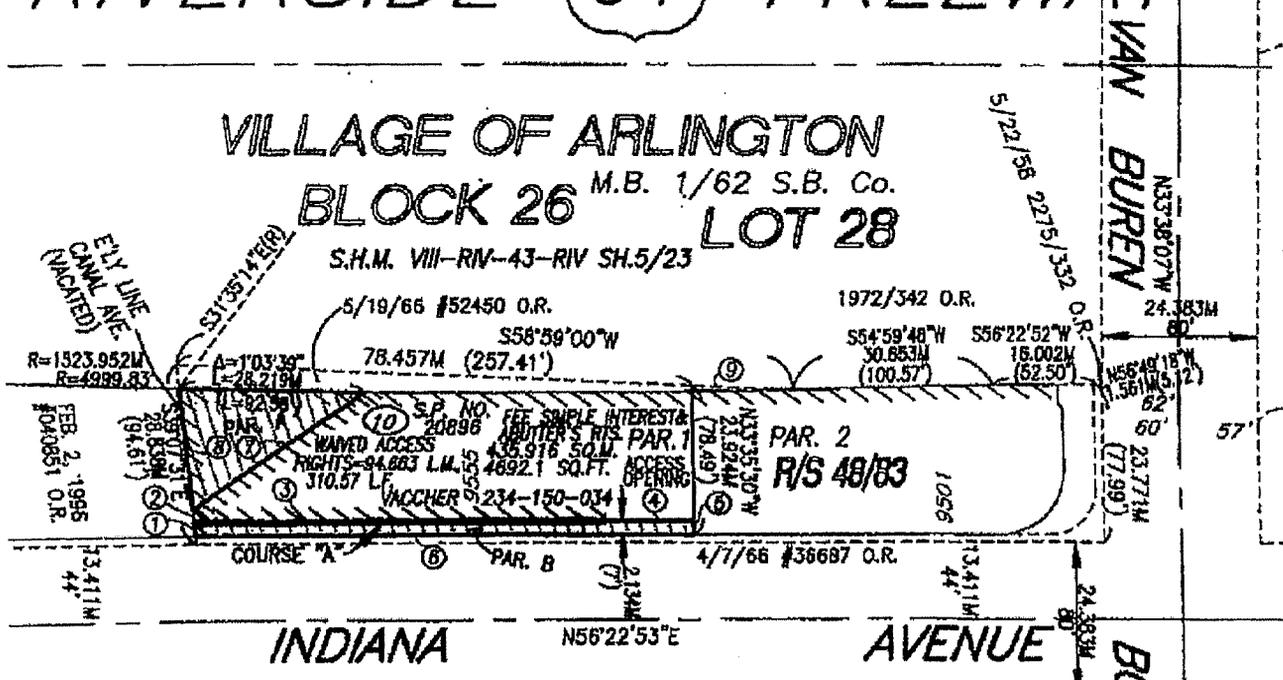
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RIVERSIDE FREEWAY

VILLAGE OF ARLINGTON BLOCK 26 M.B. 1/62 S.B. Co. LOT 28

S.H.M. VII-RV-43-RIV SH.5/23



DATA TABLE

- ① N39°07'31"W 2.144M (7.03')
- ② N39°07'31"W 2.010M 6.60'
- ③ N56°22'53"E 62.297M (204.38')
- ④ N56°22'53"E 13.624M (44.70')
- ⑤ S33°35'30" E 2.134M (7.00')
- ⑥ S56°22'53" W 75.713M (248.40')
- ⑦ S20°47'42"W 32.367M (106.19')
- ⑧ N39°07'31"W 19.665M (64.52')
- ⑨ S58°59'00"W 23.924M (78.49')

////// INDICATES ACCESS DENIAL LINE

BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000033361 TO OBTAIN GROUND LEVEL DISTANCES.

• 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: 5/20/08

SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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PARCEL 10
State Parcel No. 20896
Van Buren SR-91
A.P.N. 234-150-034

Parcel 10 B - *Temporary Construction Easement*

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

That portion of Lot 28 in Block 26 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

The northwesterly 2.743 meters (9.00 feet) of the southeasterly 4.877 meters (16.00 feet) of Parcel 1 of Record of Survey, on file in Book 48, Page 83 of Record of Surveys, records of Riverside County, California;

EXCEPTING THEREFROM that portion of said northwesterly 2.743 meters (9.00 feet) of the southeasterly 4.877 meters (16.00 feet) of Parcel 1, lying within the following described parcel of land:

That portion of Lot 28 in Block 26 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the most southerly corner of Parcel 1 of Record of Survey on file in Book 48, Page 83 of Record of Surveys, records of Riverside County, California; said most southerly corner being in a line that is parallel with and distant 13.411 meters (44.00 feet) northwesterly, as measured at right angles from the centerline of Indiana Avenue as shown by said Record of Survey;

THENCE along the southwesterly line of said Parcel 1, North 39°07'31" West, a distance of 4.154 meters (13.63 feet) to the POINT OF BEGINNING of the parcel of land being described; said southwesterly line also being the northeasterly line of that certain parcel of land described in Grant Deed to the State of California by document recorded February 2, 1996, as Instrument No. 040851 of Official Records of Riverside County, California;

THENCE continuing along said southwesterly line of Parcel 1 and along said northeasterly line, North 39°07'31" West, a distance of 19.665 meters (64.52 feet) to the most westerly corner of said Parcel 1; said corner being a point in a curve concaving northwesterly, having a radius of 1523.952 meters (4999.83 feet) and to which the radius bears North 31°35'14" West; said corner also being in the southeasterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 5 of 23 Sheets on file with the County Surveyor of Riverside County, California;



THENCE northeasterly to the left along said curve and along the northwesterly line of said Parcel 1 and along said southeasterly line of State Highway Route 91, through a central angle of $1^{\circ}03'39''$ an arc length of 28.219 meters (92.58 feet);

THENCE South $20^{\circ}47'42''$ West, a distance of 32.367 meters (106.19 feet) to the POINT OF BEGINNING.

Area - 208.209 square meters (2241.1 square feet).

The bearings and distances used in the above descriptions are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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

4/30/08 Date
Prep. Keg



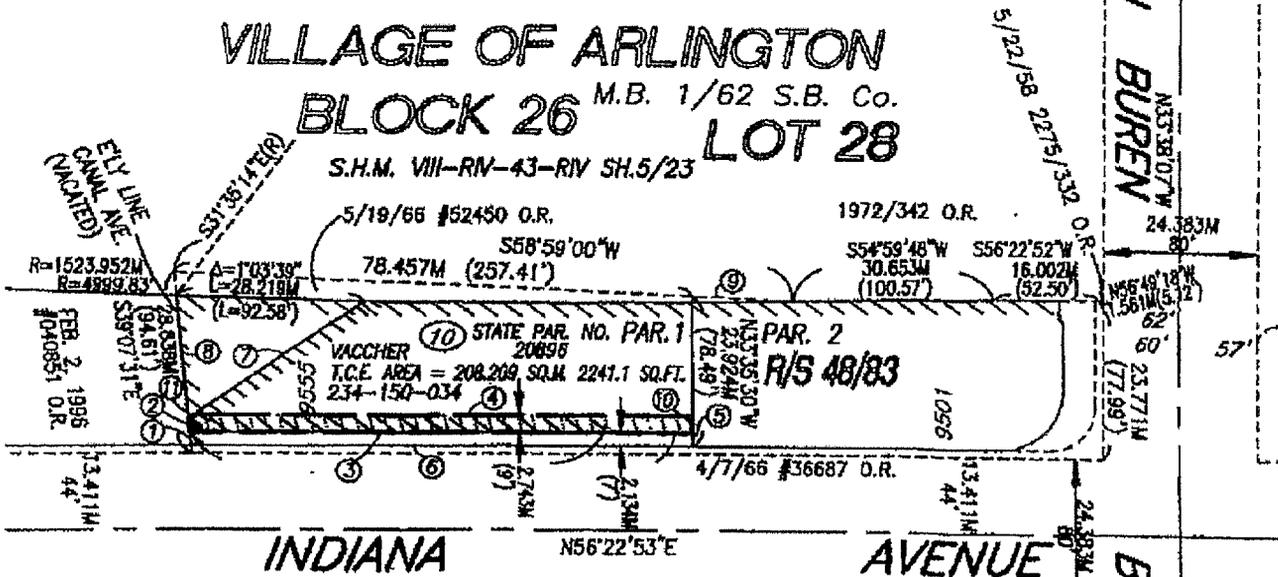
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RIVERSIDE FREEWAY

VILLAGE OF ARLINGTON BLOCK 26 M.B. 1/62 S.B. Co. LOT 28

S.H.M. VIII-RV-43-RIV SH.5/23



DATA TABLE

- ① N39°07'31"W 2.144M (7.03')
- ② N39°07'31"W 2.010M (6.60')
- ③ N56°22'53"E 75.919M (249.08')
- ④ S56°22'53"W 75.077M (248.31')
- ⑤ S33°35'30" E 2.134M (7.00')
- ⑥ S56°22'53" W 75.713M (248.40')
- ⑦ S20°47'42"W 32.367M (106.19')
- ⑧ N39°07'31"W 19.665M (64.52')
- ⑨ S58°59'00"W 23.924M (78.49')
- ⑩ N33°35'30"W 2.743M (9.00')
- ⑪ S20°47'42"W 1.275M (4.18')

////// INDICATES ACCESS DENIAL LINE

BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6
MULTIPLY DISTANCES SHOWN BY 1.000033361 TO OBTAIN GROUND LEVEL DISTANCES.

• 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: 5/20/08

SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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*Van Buren SR91 Improvements - Parcel 9
A.P.N. 234-150-045
Fee Simple Interest*

That certain real property located in the City of Riverside, County of Riverside, State of California, as described in deed to Rose Vaccher, by Grant Deed recorded January 7, 1991, as Instrument No. 6129 of Official Records of Riverside County, California, being described in said Grant Deed as follows:

That portion of Lot 25 in Block 26 of the Village Of Arlington, as shown by map on file in Book 1, Pages 62, of Maps, records of San Bernardino County, California, described as follows:

BEGINNING at the intersection of the southwesterly right of way line of Van Buren Blvd. (80 feet wide) and the northwesterly right of way line of Indiana Avenue (80 feet wide);

THENCE northwesterly along the southwesterly line of Van Buren Blvd., 77.99 feet to the most southerly corner of the property conveyed to the City Of Riverside by deed recorded in Book 2275, Page 332 of Official Records of Riverside County;

THENCE North $56^{\circ} 50' 02''$ West, along the southwesterly line of the property conveyed to the City Of Riverside, a distance of 5.03 feet to a point on the southeasterly line of the property conveyed to the State Of California by deed recorded in Book 1979, Page 342 of Official Records of Riverside County;

THENCE South $56^{\circ} 22'$ West, along said southeasterly line, 2.02 feet to the TRUE POINT OF BEGINNING;

THENCE South $56^{\circ} 22'$ West, continuing along said southeasterly line, 50.50 feet;

THENCE continuing along the southeasterly line of the conveyance to the State Of California, and its southerly prolongation, South $54^{\circ} 58' 56''$ West, 107.33 feet to the beginning of a tangent curve concave to the northwesterly and having a radius of 5,000 feet;

THENCE southwesterly along said curve through central angle of $0^{\circ} 28' 59''$ an arc distance of 42.17 feet;

THENCE South $33^{\circ} 36' 22''$ East, 75.18 feet, more or less, to a line parallel with and distant northwesterly 4.00 feet, measured at right angles, from said northwesterly right of way line of Indiana Avenue;

THENCE North $56^{\circ} 22' 09''$ East along said parallel line, 176.99 feet, more or less, to the beginning of a tangent curve concave to the southwest and having a radius of 23.00 feet, the northwesterly terminus of said curve being tangent to a line parallel with and distant southwesterly 4.00 feet, measured at right angles, from said southwesterly right of way line of Van Buren Blvd;



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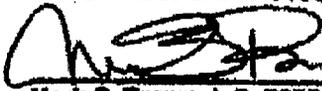
THENCE northerly and northwesterly along said curve through a central angle of 90° 01' 00" an arc distance of 36.14 feet to said northwesterly terminus;

THENCE North 33° 38' 51" West along last mentioned parallel line 55.61 feet, more or less, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM those portions conveyed to the City Of Riverside by deeds recorded August 30, 1993, as Instrument Nos. 339646 and 339648 and by document recorded August 25, 1995 as Instrument No. 280687 and by document recorded September 15, 1995 as Instrument No. 305178, all Official Records of said Riverside County.

Area 13,974 square feet.

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. 5855
License Expires 9/30/07

7/31/07 Date
Prep. Kap



RIVERSIDE FREEWAY

VILLAGE OF ARLINGTON
M.B. 1/62 S.B. Co.

LOT 28
BLOCK 26

STATE OF CALIFORNIA
10/2/56 1979/342 O.R.

VAN BUREN BOULEVARD

N33°38'51" W

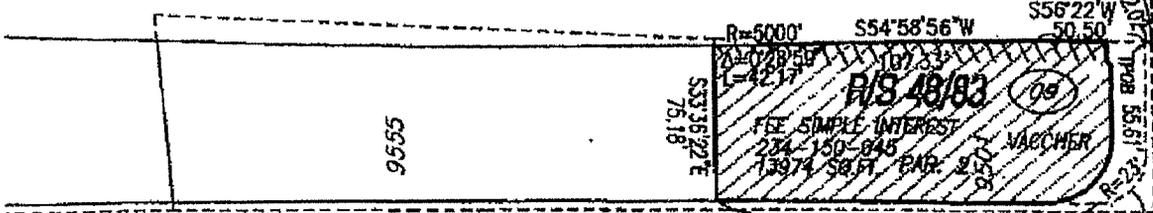
S 1/2 1/58 2275/352

O.R. 10/2/56

N45°30'00" W 77.99'

62'

60'



INDIANA

AVENUE

LOT 1

INDICATES ACCESS DENIAL LINE

• 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: 1/4/07

SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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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 March 4, 2013, I served the within FINAL ORDER OF CONDEMNATION AS TO APNS 234-150-034 AND 234-150-045 on the interested parties in said action addressed as follows:

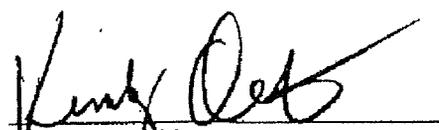
David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th Street, Ste. 214
Riverside, CA 92501
Fax: 951.788.9040
Ph: 951.686.2660
hubbardlawfirm@gmail.com

*Attorney for AAR Properties, LLC;
Aldo Vaccher; The Heirs and Devises of
Rose Vaccher' Aldo Vaccher, as Trustee
of the Survivor's, Administrative, and
Marital Trusts, Created Under the
Vaccher Family 1999 Administrative
Trust, Robert Vaccher and Anita Husted*

(X) 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 pursuant to C.C.P § 1013(a).

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on March 4, 2013, at Riverside, California.



Kimberly Cohlert

