

Book 1308/392
H. M. DOUGHERTY
City Attorney
Room 24, City Hall
Riverside, California

2245

1 ALBERT H. FORD, Deputy City Attorney
Attorneys for Plaintiff

2
3 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
4 IN AND FOR THE COUNTY OF RIVERSIDE

5 CITY OF RIVERSIDE, a Municipal
6 Corporation and political sub-
7 division of the State of
California,

8 Plaintiff,

-vs-

9 JAMES T. HENDRICKS, EDNA HENDRICKS,
10 VIRGINIA SYDNEY AYERS, ET AL.,

11 Defendants.

No. 51879

FINAL JUDGMENT

AND

ORDER OF CONDEMNATION

12 The above entitled action came on regularly for trial on
13 the 31st day of August, 1951, before the above entitled Court
14 in Department No. 3 thereof, the Honorable John G. Gabbert,
15 Judge, presiding; the Plaintiff City of Riverside, a municipal
16 corporation being represented by Harry M. Dougherty, Esq., City
17 Attorney, and Albert H. Ford, Esq., Deputy City Attorney, and
18 Messrs. Reid & Waugh by Enos C. Reid, Esq., appearing as attorneys
19 for the Defendants James T. Hendricks, Edna Hendricks, and
20 Virginia Sydney Ayers; the trial was had before the Court with-
out a Jury, trial by Jury having been waived by the parties.
The matter was submitted to the Court for its decision on the
evidence, both oral and documentary, which was submitted by the
respective parties, Findings of Fact and Conclusions of Law
were waived by the respective parties by stipulation and agree-
ment. The Court thereupon made and entered its Judgment of
Condemnation and Preliminary Order herein on the 24 day of
September, 1951.

21 It now appears to the satisfaction of the Court that the
22 Plaintiff has paid to the Defendants James T. Hendricks, Edna
23 Hendricks and Virginia Sydney Ayers, the amount of Thirty-eight
24 Hundred Dollars (\$3,800.00), as compensation and damages for the
25 taking of the property here involved, and of \$14.00 as said
Defendants' costs of suit, and that the Plaintiff has fully
performed the obligations of the Judgment of Condemnation and
Preliminary Order.

26 In accordance with said Judgment of Condemnation and Pre-
27 liminary Order and of the facts of this case and the law applic-
28 able thereto, and upon motion of the Attorneys for the Plaintiff
and Defendants, the Court makes and enters its final order of
condemnation, and good cause appearing,

29 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COURT:

30 1. That the value of the property sought to be condemned,
31 and which is hereinafter described, and of all improvements there-
32 on pertaining to the realty, was on the 19th day of February,
1951, of the value of Thirty-eight Hundred Dollars (\$3,800.00),
lawful money of the United States; and,

2. That the Defendants, James T. Hendricks, Edna Hendricks
and Virginia Sydney Ayers, are the owners of the fee simple
estate to said property, and that no other person has any inter-
est or estate therein, and that the value of the fee simple

1 estate was, on the 19th day of February, 1951, in the sum of
2 Thirty-eight Hundred Dollars (\$3,800.00), lawful money of the
United States; and,

3 3. That the said property, which is hereinafter described,
4 and the fee simple estate thereof, be and the same is hereby con-
5 demned and taken for public uses by the Plaintiff, City of
Riverside; and,

6 4. That the damages to which the Defendants, James T.
7 Hendricks, Edna Hendricks and Virginia Sydney Ayers, are entitled
8 as compensation for the taking of said property, and the fee
9 simple estate thereof, and all improvements thereon, as well as
10 any other damages of any nature or kind, are assessed in the
amount of Thirty-eight Hundred Dollars (\$3,800.00), lawful money
of the United States; and that said damages and compensation shall
be paid by the Plaintiff to the said Defendants, James T. Hen-
dricks, Edna Hendricks and Virginia Sydney Ayers; and,

11 5. That the purposes of such condemnation are to take said
12 property for the location and use of a street, parkway, public
13 grounds and all other public uses of the City of Riverside,
California; and,

14 6. That a certified copy of this Order be filed and re-
15 corded in the Office of the County Recorder of the County of
16 Riverside, State of California, and that thereupon there shall
17 vest in the Plaintiff, City of Riverside, a municipal corporation,
for the purposes herein specified, the fee simple estate and title
in and to that certain real property situate in the City of
Riverside, County of Riverside, State of California, and more
particularly described as follows, to wit:

18 All that portion of Lots 14 and 15 in Block 5 of Lands of
19 the Riverside Land and Irrigating Company, as shown by
20 Map recorded in Book 1 page 70 of Maps, records of San
Bernardino County, California, particularly described as
follows:

21 Commencing at a point on the center line of Arlington
22 Avenue which bears North $89^{\circ} 55'$ East, 31.25 feet
from the Southeast corner of Section 32, Township 2
23 South, Range 5 West, San Bernardino Base and Meridian;

24 Thence South $0^{\circ} 05'$ East, 33 feet to a point on the
25 Southerly line of Arlington Avenue for the point of
beginning, said point being distant thereon 177.25
26 feet measured at a right angle from the Westerly line
of that certain parcel of land conveyed to John M. Mylne,
27 Jr., et ux, by Deed recorded August 7, 1941, in Book
514 page 110 of Official Records of Riverside County,
California;

28 Thence Southwesterly, 156.25 feet to a point on the Northerly
29 line of California Avenue, distant thereon 170.99 feet North-
easterly from the Southwesterly corner of said Parcel con-
veyed to John M. Mylne, Jr., et ux;

30 Thence Northeasterly along said Northerly line of
31 California Avenue to its intersection with the Southerly
line of Arlington Avenue as established by Deed to the
32 City of Riverside, recorded July 20, 1944 in Book 638
page 6 of Official Records of said Riverside County;

1 Thence Westerly along said Southerly line of Arlington Avenue
2 to the point of beginning.

3 Dated this 5th day of October, 1951.

4 /s/ Gohn G. Gabbert
5 Judge of the Superior Court

6 Recorded in Book 65 of
7 Judgments
8 At page 336 the 5th
9 day of October, 1951
(Stamped) G. A. Pequegnat, Clerk
By L.M. - Deputy

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CITY OF RIVERSIDE, a Municipal
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The above entitled action came on regularly for trial on the 31st day of August, 1951, before the above entitled Court in Department No. 3 thereof, the Honorable John C. Gabbott, Judge, presiding; the Plaintiff City of Riverside, a municipal corporation being represented by Harry M. Dougherty, Esq., City Attorney, and Albert H. Ford, Esq., Deputy City Attorney, and Messrs. Reid & Waugh by Enos C. Reid, Esq., appearing as attorneys for the Defendants James T. Hendricks, Edna Hendricks, and Virginia Sydney Ayers; the trial was had before the Court without a Jury, trial by Jury having been waived by the parties. The matter was submitted to the Court for its decision on the evidence, both oral and documentary, which was submitted by the respective parties. Findings of Fact and Conclusions of Law were waived by the respective parties by stipulation and agreement. The Court thereupon made and entered its Judgment of Condemnation and Preliminary Order herein on the 24 day of September, 1951.

It now appears to the satisfaction of the Court that the Plaintiff has paid to the Defendants James T. Hendricks, Edna Hendricks and Virginia Sydney Ayers, the amount of Thirty-eight Hundred Dollars (\$3,800.00), as compensation and damages for the taking of the property here involved, and of \$11.00 as said Defendants' costs of suit, and that the Plaintiff has fully performed the obligations of the Judgment of Condemnation and Preliminary Order.

In accordance with said Judgment of Condemnation and Preliminary Order and of the facts of this case and the law applicable thereto, and upon motion of the Attorneys for the Plaintiff and Defendants, the Court makes and enters its final order of condemnation, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COURT:

1. That the value of the property sought to be condemned, and which is hereinafter described, and of all improvements thereon pertaining to the realty, was on the 19th day of February, 1951, of the value of Thirty-eight Hundred Dollars (\$3,800.00), lawful money of the United States; and,

2. That the Defendants, James T. Hendricks, Edna Hendricks and Virginia Sydney Ayers, are the owners of the fee simple estate to said property, and that no other person has any interest or estate therein, and that the value of the fee simple

1 estate was, on the 19th day of February, 1951, in the sum of
2 Thirty-eight Hundred Dollars (\$3,800.00), lawful money of the
United States; and,

3 3. That the said property, which is hereinafter described,
4 and the fee simple estate thereof, be and the same is hereby con-
5 demned and taken for public uses by the Plaintiff, City of
Riverside; and,

6 4. That the damages to which the Defendants, James T.
7 Hendricks, Edna Hendricks and Virginia Sydney Ayers, are entitled
8 as compensation for the taking of said property, and the fee
9 simple estate thereof, and all improvements thereon, as well as
10 any other damages of any nature or kind, are assessed in the
amount of Thirty-eight Hundred Dollars (\$3,800.00), lawful money
of the United States; and that said damages and compensation shall
be paid by the Plaintiff to the said Defendants, James T. Hen-
dricks, Edna Hendricks and Virginia Sydney Ayers; and,

11 5. That the purposes of such condemnation are to take said
12 property for the location and use of a street, parkway, public
13 grounds and all other public uses of the City of Riverside,
California; and,

14 6. That a certified copy of this Order be filed and re-
15 corded in the Office of the County Recorder of the County of
16 Riverside, State of California, and that thereupon there shall
17 vest in the Plaintiff, City of Riverside, a municipal corporation,
for the purposes herein specified, the fee simple estate and title
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