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COUNTY OF RIVERSIDE
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Assessor, County Clerk & Recorder

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a
municipal corporation,

Plaintiff(s),

vs.

WILLIAM DIETERLE, et al.,

Defendant(s).

CASE NO.: RIC 351488

PARTIAL JUDGMENT AND FINAL
ORDER OF CONDEMNATION

Pursuant to a written Stipulation by and between plaintiff, the City of Riverside, by and through Gregory P. Priamos, Interim City Attorney and Heriberto F. Diaz, Deputy City Attorney; and defendant, Anthony J. Vitulli, by and through his attorneys of record, Law Offices of Anthony J. Vitulli and Anthony J. Vitulli, in *propria persona*, that a Partial Judgment and Final Order of Condemnation as to Assessor's Parcel Number 189-240-021 7/A, 7/B (hereinafter "Parcel 189-240-021") may be made and entered herein in accordance with the terms and conditions hereof, without further notice to said defendants.

IT IS HEREBY FOUND AND DETERMINED:

1. The interests in real property of Defendant Anthony J. Vitulli, to be condemned herein are a permanent easement, designated in the complaint as Parcel 189-240-021 "7/A"; and a temporary construction easement designated in the complaint as Parcel 189-240-021 "7/B".

1 2. By execution of the Stipulation herein, each of the defendants waived the right
2 to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of
3 Entry of Final Order of Condemnation as to Parcel 189-240-021, and the right and time for
4 appeal.

5 3. Defendant Anthony J. Vitulli expressly waives the right to challenge the City of
6 Riverside's right to acquire the property by eminent domain; the right to further and greater
7 compensation; the right to an award of interest, attorneys fees and costs, to the extent that they
8 may be allowable by law.

9 4. Pursuant to said stipulation, the total amount of just compensation to be paid by
10 plaintiff to defendant Anthony J. Vitulli is the sum of Ten Thousand Dollars (\$10,000.00). Said
11 sum is inclusive of fair market value and interest thereon, attorneys fees and all costs of suit,
12 including those costs defined in Civil Procedure §1268.710 and litigation expenses including, but
13 not limited to those defined in California Code of Civil Procedure §1235.140.

14 5. Defendant(s) own interests in and to Parcel 189-240-021 as follows: Defendant
15 Anthony J. Vitulli owns a fee simple absolute.

16 6. The use for which an interest in and to Parcel 189-240-021 is being acquired is a
17 use authorized by law and the acquisition of said interest is necessary to said use.

18 7. On December 1, 2000, plaintiff made a deposit of probable compensation with
19 the State Treasurer pursuant to California Code of Civil Procedure §1255.070 in the total sum of
20 Eleven Thousand, Five Hundred Thirteen Dollars (\$11,513.00) of which Eight Thousand, Seven
21 Hundred Twenty-three Dollars (\$8,723.00) represents the probable amount of compensation to
22 be awarded to Defendant Anthony J. Vitulli. On December 11, 2000, an Order for Prejudgment
23 Possession was signed by the Honorable Judge Gloria Connor Trask, authorizing Defendant to
24 take possession of Parcel 189-240-021 thirty days from the date of service of said order. The
25 Order for Prejudgment Possession was served on Defendant Anthony J. Vitulli on December 19,
26 2000, and became effective on January 18, 2001.

27 ///

1 8. An Order For Tax Information was filed with the court on December 11, 2000,
2 and the Tax Collector has responded to said Order. There are no current, general and special
3 County taxes due and owing to the defendant County of Riverside as to Parcel 189-240-021.

4 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 1. The total compensation, award and damages to be paid as a result of the
6 condemnation of the interests of Defendant Anthony J. Vitulli in Parcel 189-240-021 is the total
7 sum of ten thousand dollars (\$10,000.00).

8 2. Payment hereunder shall be deemed to expressly include all costs of suit
9 pursuant to Code of Civil Procedure §1268.710 and all litigation expenses including, but not
10 limited to, those defined in California Code of Civil Procedure §1235.140. Payment hereunder
11 shall further be deemed to be the total just compensation and damages, if any, to which
12 Defendant Anthony J. Vitulli shall be entitled by reason of the condemnation of Parcel 189-240-
13 021.

14 3. The award remaining to be paid herein in the amount of ten thousand dollars
15 (\$10,000.00) shall be paid outside of these court proceedings and shall be payable to Anthony J.
16 Vitulli at the following address: 3763 Arlington Avenue, Riverside, CA 92506-0000

17 4. Payment to said defendants of the sums herein above specified shall constitute
18 payment in full for the real property taken and for all damages of any kind and nature whatsoever
19 suffered by the defendants by reason of such taking.

20 5. Plaintiff's portion of taxes, if any, are cancelled as of the effective date of
21 possession herein, January 18, 2001.

22 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
23 CONDEMNATION:

24 The interests of Defendant Anthony J. Vitulli, in the following described real property,
25 designated as Assessor's Parcel Number 189-240-021 7/A and 7/B, are hereby condemned for
26 the public use and purposes described in the Complaint herein, to wit, the widening and
27 improving of public streets and rights of way, plaintiff to take title to the interest(s) of said

1 defendant(s) in said real property, together with all improvements therein in which said
2 defendants have an interest, free and clear of any and all liens, encumbrances, easements, and
3 leaseholds, of whatever kind or nature:

4 Parcel 7/A

5 A permanent easement in and to the following described real property:

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

8 The northerly 7.00 feet of the southerly 15.00 feet of Lot 41 of Gafford Gardens,
9 as shown by map on file in Book 12, Page 97 of Maps, records of Riverside
10 County, California; the northerly line of said northerly 7.00 feet being in a line
11 which is parallel with and distant 40.00 feet northerly, as measured at right
12 angles, from the centerline of Arlington Avenue as shown by said map;
13 EXCEPTING THEREFROM that portion of said Lot 41 described in Grant
14 Deed to Ted N. Williamson, by document recorded December 27, 1994, as
15 Instrument No. 478613 of Official Records of said Riverside County.

16 Area - 490 square feet, more or less.

17 Parcel 7/B

18 A temporary construction easement in and to the following described real property:

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

21 That portion of Lot 41 of Gafford Gardens, as shown by map on file in Book 12,
22 Page 97 of Maps, records of Riverside County, California, more particularly
23 described as follows:

24 COMMENCING at the southeast corner of said Lot 41;

25 THENCE North, along the East line of said Lot 41, a distance of 15.00 feet to a
26 line which is parallel with and distant 40.00 feet North, as measured at right
27 angles, from the centerline of Arlington Avenue, and the POINT OF

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BEGINNING of the parcel of land being described;
THENCE West, along said parallel line, a distance of 70.00 feet to the easterly
line of that portion of said Lot 41, described in Grant Deed to Ted N.
Williamson, by document recorded December 27, 1994, as Instrument No.
478613 of Official Records of said Riverside County;
THENCE North, along said easterly line, a distance of 10.00 feet;
THENCE East, a distance of 9.75 feet;
THENCE North, a distance of 15.00 feet;
THENCE East, a distance of 27.00 feet;
THENCE South, a distance of 15.00 feet;
THENCE East, a distance of 33.25 feet to said East line of Lot 41;
THENCE South, along said East line, a distance of 10.00 feet to the POINT OF
BEGINNING.
Area - 1,105 square feet, more or less.

MAR 06 2002

DATED: _____

MELORIA CONNOR TRASK
Judge of the Superior Court

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