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When Recorded Mail To:

Name: Riverside City Attorney's Office
Mailing: 3900 Main Street
Address: Riverside, CA 92522
Attention: Heriberto F. Diaz

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Gary L Orso
County of Riverside
Assessor, County Clerk & Recorder

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**PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS
TO DEFENDANT H.Y. LEE & ASSOCIATES, L.P.**

**CITY OF RIVERSIDE V. UNION PACIFIC RAILROAD, ETAL.
CASE NO. RIC 408338**

APN : 209-194-007

This document is Exempt from Filing Fee Pursuant to Government Code § 6103.

FILED
SUPERIOR MUNICIPAL COURT
OF RIVERSIDE COUNTY

JUL 0 6 2004



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6

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE
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11 CITY OF RIVERSIDE, a municipal) CASE NO.: RIC 408338
corporation,)
12)
Plaintiff,) PARTIAL JUDGMENT AND FINAL
13) ORDER OF CONDEMNATION AS
vs.) TO DEFENDANT H.Y. LEE &
14) ASSOCIATES, L.P.
UNION PACIFIC RAILROAD, et al.,) Assessor's Parcel No.: 209-194-007
15)
Defendants.)
16

17 Pursuant to a written Stipulation by and between Plaintiff City of Riverside, by and through
18 Heriberto F. Diaz, Deputy City Attorney, and Defendant H.Y. Lee & Associates, L.P. (hereinafter
19 "Lee"), by and through Kenneth T. Haan, Attorney at Law, that a Partial Judgment and Final Order
20 of Condemnation as to Assessor's Parcel Number 209-194-007 may be made and entered herein in
21 accordance with the terms and conditions hereof, without further notice to said defendant.

22 IT IS HEREBY FOUND AND DETERMINED:

- 23 1. The interest of Defendant Lee in the real property, designated in the complaint as
24 Assessor's Parcel Number 209-194-007, to be condemned herein is fee simple absolute.
25 2. By execution of the Stipulation herein, Defendant Lee waives the right to jury trial,
26 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
27 Order of Condemnation as to Assessor's Parcel Number 209-194-007, and the right and time for

1 appeal.

2 3. Defendant Lee expressly waives the right to challenge the City of Riverside's right to
3 acquire the property by eminent domain; the right to further and greater compensation; the right to
4 an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.

5 4. Pursuant to said stipulation, the total amount of just compensation to be paid by
6 Plaintiff to Defendant Lee is the sum of Five Hundred Ten Thousand Six Hundred Dollars
7 (\$510,600.00). Said sum is inclusive of fair market value and interest thereon, attorneys fees and
8 all costs of suit, including those costs defined in California Code of Civil Procedure §1268.710
9 and litigation expenses including, but not limited to those defined in California Code of Civil
10 Procedure §1235.140.

11 5. Defendant Lee owns a fee simple absolute interest in and to Assessor's Parcel Number
12 209-194-007.

13 6. The use for which an interest in and to Assessor's Parcel Number 209-194-007 is being
14 acquired, is a use authorized by law and the acquisition of said interest is necessary to said use.

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

16 1. The total compensation, award and damages to be paid as a result of the condemnation
17 of the interest of Defendant Lee, in Assessor's Parcel Number 209-194-007, is the total sum of
18 Five Hundred Ten Thousand Six Hundred Dollars (\$510,600.00).

19 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant to
20 California Code of Civil Procedure §1268.710 and all litigation expenses including, but not
21 limited to, those defined in California Code of Civil Procedure §1235.140. Payment hereunder
22 shall further be deemed to be the total just compensation and damages, if any, to which Defendant
23 Lee shall be entitled by reason of the condemnation of Assessor's Parcel Number 209-194-007.

24 3. The award remaining to be paid herein in the amount of Five Hundred Ten Thousand
25 Six Hundred Dollars (\$510,600.00) shall be paid outside of these court proceedings, within 30
26 days from the date of entry of this Judgment, and shall be payable as follows:

27 ///

- 1 a. To H.Y. Lee & Associates, L.P., the sum of \$316,330.96 at the following address:
 2 c/o Kenneth T. Haan & Associates
 3 3699 Wilshire Boulevard, Ste. 860
 4 Los Angeles, California 90010
- 5 b. To Bank of America, the sum of \$194,269.04, at the following address:
 6 555 South Flower Street, 6th Floor
 7 Los Angeles, CA 90071
- 8 c. City shall retain from the payment to Defendant Lee the sum of \$10,000.00 for a period
 9 of 120 days for the purpose of paying outstanding taxes and other encumbrances, if any.
 10 Thereafter, the balance of said \$10,000.00 shall be paid to Defendant Lee by City at the address
 11 listed above, and shall be accompanied by an accounting of any encumbrances paid.
- 12 4. Payment to Defendant Lee of the sums herein above specified shall constitute payment
 13 in full for the real property taken and for all damages of any kind and nature whatsoever suffered
 14 by said defendant by reason of such taking.
- 15 5. City is hereby authorized to take possession of Assessor's Parcel Number 209-194-007
 16 on the date of entry of this judgment.
- 17 6. Plaintiff's portion of taxes, if any, are cancelled as of the effective date of possession.

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

20 The interest of Defendant H.Y. Lee & Associates, L.P., in the following described real
 21 property, designated as Assessor's Parcel Number 209-194-007, is hereby condemned for the
 22 public use and purposes described in the Complaint herein (street widening and improvements),
 23 Plaintiff City of Riverside to take title to the interests of said defendant in said real property,
 24 together with all improvements thereon in which said defendant has an interest, free and clear of
 25 any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature:

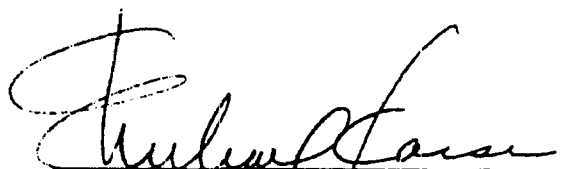
26 APN 209-194-007

27 All that portion of Lots 9 and 10 of Moore's Subdivision and of that certain strip of land
 located within said Lots 9 and 10 and marked "Riverside Water Co.'s Lower Canal," as
 shown by map on file in Book 6, Page 68 of Maps, records of Riverside County,
 California, all as particularly described as follows:

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BEGINNING at the most southerly corner of said Lot 9;
THENCE westerly along the northerly line of First Street, 70 Feet;
THENCE at a right angle northerly 135 ½ feet to a point on the northerly line of Lot 10 of said Moore's Subdivision, said point being also on the southerly line of an alley, as shown on said map;
THENCE easterly along the southerly line of said alley, 70 feet to a point on the westerly line of North Market Street;
THENCE southerly along the westerly line of said North Market Street 135 ½ feet to the POINT OF BEGINNING.

DATED: July 6, 2004



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 1, 2004, I served the within:

PARTIAL JUDGMENT AND FINAL ORDER OF CONDEMNATION AS TO DEFENDANT H.Y. LEE & ASSOCIATES, L.P.

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.

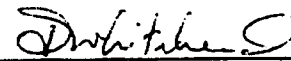
() **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.

() **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 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 C.C.P. § 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 1, 2004, at Riverside, California.



Joann Whitehead

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SERVICE LIST

City of Riverside v. Union Pacific Railroad, et al.; Riverside Superior Court Case No. 408338

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Market & First
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