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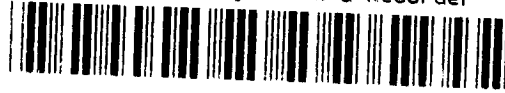
Recorded in Official Records
County of Riverside

Larry W. Ward
Assessor, County Clerk & Recorder

When Recorded Mail To:

Riverside City Attorney's Office

3900 Main Street
Riverside, CA 92522
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This instrument is for the benefit
of the City of Riverside and is
exempt from recording fees
(Government Code § 27383¹)

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JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC437395

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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."

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3 CITY OF RIVERSIDE
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8 ediaz@riversideca.gov

9 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 13 2007



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JUL 16 2007

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Plaintiff,

vs.

VIACOM OUTDOOR, INC., a Delaware
corporation; HI HO TAP ROOM, a business of
unknown form; CAROL BENNETT, an
individual; FRANK BENNETT, an individual;
and DOES 1 through 100,

Defendant

CASE NO.: RIC 437395
Assigned for all purposes to the
Honorable Judge Craig G. Riemer
Department 7

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

Assessor's Parcel Number 191-313-001

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

IT IS HEREBY FOUND AND DETERMINED:

1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code
of the State of California, section 4090 of the Streets and Highways Code of the State of

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CITY ATTORNEY'S OFFICE
3900 MAIN STREET
RIVERSIDE, CA 92522
(951) 826-5567

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1 California, section 1240.010 of the Code of Civil Procedure of the State of California, and
2 Article I, section 19 of the Constitution of the State of California, plaintiff City of Riverside
3 is authorized to acquire real property or interests therein for public uses and purposes, to wit:
4 the widening and improving of Van Buren Boulevard from Garfield Street to Andrew Street
5 and for related and incidental improvements ("Project").

6 2. After a duly noticed public hearing and an opportunity to be heard in
7 compliance with Code of Civil Procedure § 1245.235, on September 13, 2005, City adopted
8 Resolution No. 21039 authorizing plaintiff to acquire the property described in the complaint
9 on file herein, including Riverside County Assessor's Parcel Number 191-313-001, by
10 eminent domain. In compliance with §§ 1245.220 and 1245.230 of the Code of Civil
11 Procedure, the City Council found and determined that: (a) the public interest and necessity
12 require the proposed project, (b) the proposed project is planned and located in the manner
13 that will be the most compatible with the greatest public good and least private injury, (c) the
14 acquisition and taking of permanent easements and lesser interests in the property sought to
15 be acquired are necessary for the Project, and (d) the offer required by § 7267.2 of the
16 Government Code has been made to the owners of record of the subject property interests.

17 3. Plaintiff City of Riverside commenced this eminent domain action to
18 condemn the following property interests: permanent and temporary easements over
19 Assessor's Parcel Number 191-313-001.

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

21	<u>DEFENDANT</u>	<u>PARCEL</u>	<u>INTEREST</u>
22	Viacom Outdoor, Inc.	191-313-001	Lessee
23	Hi Ho Tap Room	191-313-001	Lessee
24	Carol Bennett	191-313-001	Probable Claimant
25	Frank Bennett	191-313-001	Probable Claimant

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1 5. The following defendant was dismissed by plaintiff without prejudice from
2 this action on the date indicated below:

3 <u>DEFENDANT</u>	<u>DATE OF FILING</u>
4 Viacom Outdoor, Inc.	March 1, 2007

5 6. The interest of defendants Hi Ho Tap Room, Carol Bennett, and Frank
6 Bennett in the real property designated in the complaint as Assessor's Parcel Number 191-
7 313-001 to be condemned herein is leasehold interest.

8 7. On July 12, 2006, a Stipulation re Settlement ("Stipulation") was made and
9 entered as to defendants Hi Ho Tap Room, Carol Bennett, and Frank Bennett waiving claims
10 for compensation arising out of plaintiff's taking of defendants' interest in Assessor's Parcel
11 Number 191-313-001 and releasing the City of Riverside from its obligation to pay further
12 compensation for the taking of defendants' interest.

13 8. Pursuant to the Stipulation, defendants Hi Ho Tap Room, Carol Bennett, and
14 Frank Bennett expressly waive the right to challenge the City of Riverside's right to acquire
15 the property by eminent domain, the right to further and greater compensation, and the right
16 to an award of interest, attorney fees and costs, to the extent they may be allowable by law.

17 9. Pursuant to the Stipulation, defendants Hi Ho Tap Room, Carol Bennett, and
18 Frank Bennett make a knowing waiver of any and all rights created by California Code of
19 Civil Procedure § 1542.

20 10. On September 23, 2005, plaintiff deposited a total sum of Forty-one
21 Thousand Five Hundred Fourteen Dollars (\$41,514.00) with the Treasurer of the State of
22 California condemnation fund as a deposit of probable just compensation for Assessor's
23 Parcel Number 191-313-001. None of the parties in this action have made an application to
24 withdraw any portion of the deposit of probable compensation. All funds remain on deposit
25 with the State Treasurer.

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1 11. The use for which an interest in and to Assessor's Parcel Number 191-313-
2 001 is being acquired is a use authorized by law and the acquisition of said interest is
3 necessary to said use.

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

5 1. That defendants Hi Ho Tap Room, Carol Bennett, and Frank Bennett are
6 entitled to payment in the sum of Twenty Thousand Sixty Dollars (\$20,060.00) from funds
7 deposited with the Treasurer of the State of California condemnation fund.

8 2. The funds remaining on deposit with the Treasurer of the State of California
9 condemnation fund in the amount of Forty-one Thousand Five Hundred Fourteen Dollars
10 (\$41,514.00), including all interest remaining on deposit, shall be made payable and
11 disbursed forthwith to the City of Riverside as follows:

12 Attn: Heriberto F. Diaz, Deputy City Attorney
13 Office of the City Attorney
14 City of Riverside
15 3900 Main Street, 5th Floor
16 Riverside, California 92522

17 3. Plaintiff shall pay the total sum of Twenty Thousand Sixty Dollars
18 (\$20,060.00) outside of these court proceedings to defendants Hi Ho Tap Room, Carol
19 Bennett, and Frank Bennett through their counsel of record within forty-five (45) days from
20 entry of this judgment.

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

23 The interests of defendants Hi Ho Tap Room, Carol Bennett, and Frank Bennett in
24 the real property designated as Assessor's Parcel Number 191-313-001 are hereby
25 condemned for the public use and purposes described in the Complaint herein, to wit, the
widening and improving of Van Buren Boulevard from Garfield Street to Andrew Street and
for related and incidental improvements. Plaintiff City of Riverside to take title to the

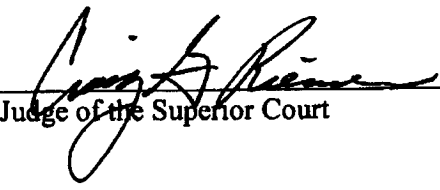
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1 interests of said defendants in the real property described in Exhibit "A" hereto, together
2 with all improvements thereon in which said defendants have an interest, free and clear of
3 any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

4 Plaintiff has caused final disposition as to all parties named in the Complaint and/or
5 appearing and this matter requires no further court action. Wherefore this Judgment and
6 Final Order of Condemnation is now made and entered.

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8 DATED: July 2, 2007



Judge of the Superior Court

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Exb A



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ASSESSOR'S PARCEL NUMBER 191-313-001

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

All of Lot 1, Block 12 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California;

EXCEPTING THEREFROM the northeasterly rectangular 10 feet of said Lot 1;

ALSO EXCEPTING THEREFROM an undivided one-half interest in the southwesterly 1 foot of the northeasterly rectangular 10 feet of said Lot 1.



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EXHIBIT A

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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 June 18, 2007, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

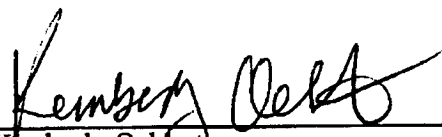
SEE ATTACHED SERVICE LIST

- (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 Code Civ. Proc. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to Code Civ. Proc. § 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 Code Civ. Proc. § 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 June 18, 2007, at Riverside, California.

18



Kimberly Oehlert



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SERVICE LIST

City of Riverside v. Viacom Outdoor, Inc., et al.
Riverside County Superior Court Case Number RIC 437395

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Attorneys for defendants:
Hi Ho Tap Room, Carol Bennett, and
Frank Bennett



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