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County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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. RIC458095

D-16076

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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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1 GREGORY P. PRIAMOS, Agency General Counsel, SBN 136766
2 HERIBERTO F. DIAZ, Deputy Agency General Counsel, SBN 132821
3 REDEVELOPMENT AGENCY OF THE AGENCY OF RIVERSIDE
4 Agency Hall, 3900 Main Street
5 Riverside, California 92522
6 951-826-5567 Telephone
7 951-826-5540 Facsimile

8 Attorneys for Plaintiff, Redevelopment Agency
9 of the Agency of Riverside

(Fee Exempt Gov't Code § 6103)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 13 2007

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

10 REDEVELOPMENT AGENCY OF THE
11 AGENCY OF RIVERSIDE, a public body,
12 corporate and politic,

13 Plaintiff,

14 vs.

15 NARAYAN A. PATEL; HIRABEN
16 NARAYANBHAI PATEL; ANIL
17 NARAYANBHAI PATEL; DAXABEN
18 ANILKUMAR PATEL; PACIFIC CASTLE
19 NEWPORT, LLC; ALL PERSONS
20 UNKNOWN CLAIMING AN INTEREST IN
21 THE PROPERTY; AND DOES 1 THROUGH
22 100, inclusive,

23 Defendants.

Case No.: RIC458095
Assigned for all purposes to the
Honorable Judge E. Michael Kaiser
Department 3

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

APN 138-020-010

Complaint Filed: October 4, 2006

24 Pursuant to a written stipulation by and between plaintiff Redevelopment Agency of the
25 Agency of Riverside (hereinafter "Agency"), by and through Heriberto F. Diaz, Deputy Agency
General Counsel, and defendants Narayan A. Patel, Hiraben Narayanbhai Patel, Anil
Narayanbhai Patel, and Daxaben Anilkumar Patel (hereinafter collectively "Patel"), by and
through their attorneys of record, Mark S. Sabbah, Esq., of Sabbah & Mackoul, that a Judgment
and Final Order of Condemnation as to Assessor's Parcel Number 138-020-010 may be made



1 and entered herein in accordance with the terms and conditions hereof without further notice to
2 said defendants:

3 IT IS HEREBY FOUND AND DETERMINED:

4 1. The interest of defendants Patel in and to the real property designated in the
5 complaint as Assessor's Parcel Number 138-020-010 is fee simple absolute.

6 2. Plaintiff Redevelopment Agency for the City of Riverside is, and at all times
7 herein mentioned has been, a duly organized public body, corporate and politic, established and
8 existing under and by virtue of the laws of the State of California (Health and Safety Code §
9 33000 et seq.) and is by law vested with authority to exercise the power of eminent domain to
10 acquire private property for a public use and purpose, to wit: for assemblage and redevelopment
11 of underutilized parcels in the La Sierra/ Arlanza Project Area ("Project").

12 3. After a duly noticed public hearing and an opportunity to be heard in compliance
13 with Code of Civil Procedure section 1245.235, on September 19, 2006, Agency adopted
14 Resolution No. 808 authorizing plaintiff to acquire the property described in the complaint on
15 file herein, including Riverside County Assessor's Parcel Number ("APN") 138-020-010 by
16 eminent domain ("Subject Property"). In compliance with sections 1245.220 and 1245.230 of the
17 Code of Civil Procedure, Agency found and determined that: (a) the public interest and necessity
18 require the proposed project, (b) the proposed project is planned and located in the manner that
19 will be most compatible with the greatest public good and least private injury, (c) the acquisition
20 and taking of fee simple interests in the property sought to be acquired are necessary for the
21 Project, and (d) the offer required by section 7267.2 of the Government Code has been made to
22 the owners of record of the Subject Property.

23 4. Plaintiff commenced this eminent domain action to condemn the following
24 property interests: a fee simple in and to APN 138-020-010.

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5. Plaintiff named the following defendants in this action:

<u>Defendant</u>	<u>Parcel Interest</u>
Narayan A. Patel	Owner
Hiraben Narayanbhai Patel	Owner
Anil Narayanbhai Patel	Owner
Daxaben Anilkumar Patel	Owner
Pacific Castle Newport, LLC	Potential Claimant

6. On October 3, 2006, plaintiff deposited with the State Treasury Condemnation Fund the amount of One Million Six Hundred Twenty Thousand Dollars (\$1,620,000.00) as a deposit of probable just compensation. None of the parties in this action has made an application to withdraw any portion of the deposit of probable compensation. All funds remain on deposit with the State Treasurer.

7. The use for which an interest in and to Assessor's Parcel Number 138-020-010 is being acquired is a use authorized by law and the acquisition of said interest is necessary to said use.

8. An Order for Prejudgment Possession was signed by the Honorable Judge Gloria Connor Trask on October 10, 2006, authorizing plaintiff to take possession of APN 138-020-010 on the ninetieth (90th) day following the date of service of said order. Pursuant to said order plaintiff was authorized to take possession of APN 138-020-010 on February 3, 2007.

9. By execution of the Stipulation re Settlement and for Entry of Judgment and Final Order of Condemnation ("Stipulation") herein, defendants Patel waive the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to Assessor's Parcel Number 138-020-010 and the right and time for appeal.



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1 10. Pursuant to the Stipulation, defendants Patel expressly waive the right to
2 challenge the Agency's right to acquire the property by eminent domain, the right to further and
3 greater compensation, and the right to an award of attorneys fees, to the extent that they may be
4 allowable by law.

5 11. Pursuant to the Stipulation, the total amount of just compensation to be paid by
6 plaintiff to defendants Patel is the sum of One Million Eight Hundred Twenty Thousand Dollars
7 (\$1,820,000.00) ("Award"). The Award is inclusive of statutory interest, attorney fees and all
8 costs of suit, including those costs defined in California Code of Civil Procedure section
9 1268.710, and litigation expenses including, but not limited to those defined in California Code
10 of Civil Procedure section 1235.140.

11 12. The total of all applicable unpaid taxes, penalties, and costs for prior, current, and
12 next succeeding tax years, prorated to the date of possession are as follows:

<u>Assessor's Parcel Number</u>	<u>Total Unpaid Taxes, Penalties and Costs</u>
13 138-020-010	14 \$0.00

15 13. The following defendant filed a disclaimer of interest on the date indicated below
16 and is entitled to no compensation herein:

<u>Defendant</u>	<u>Date Filed</u>
17 Pacific Castle Newport, LLC	18 February 26, 2007

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

20 1. The total compensation, award, and damages to be paid as a result of the
21 condemnation of the interests of defendants Patel in and to APN 138-020-010 is the total sum of
22 One Million Eight Hundred Twenty Thousand Dollars (\$1,820,000.00) ("Award").

23 2. Defendants Patel waive any claims to statutory interest, relocation costs and
24 assistance pursuant to California Government Code section 7260 *et seq.*, all costs of suit pursuant
25 to California Code of Civil Procedure section 1268.710, and all litigation expenses including, but



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1 not limited to, those defined in California Code of Civil Procedure section 1235.140. Payment
2 hereunder shall be deemed to be the total just compensation and damages, if any, to which
3 defendants Patel shall be entitled by reason of the condemnation of Assessor's Parcel Number
4 138-020-010.

5 3. The Award herein to be paid outside of these court proceedings shall be payable
6 to Narayan A. Patel, Hiraben Narayanbhai Patel, Anil Narayanbhai Patel, and Daxaben
7 Anilkumar Patel on or before thirty (30) days following entry of this Judgment or after this
8 Judgment is available for certification by the court, whichever is later, by way check delivered to
9 the following address:

10 c/o Mark S. Sbbah, Esq.
11 SABBAH & MACKOUL
12 4255 Main Street
Riverside, California 92501

13 4. Payment to defendants Patel of the sums herein above specified shall constitute
14 payment in full for the real property taken and for all damages of any kind and nature whatsoever
15 suffered by said defendants by reason of such taking and construction of the project in the
16 manner proposed.

17 5. Pursuant to an Order of Prejudgment Possession, plaintiff took possession of
18 Assessor's Parcel Number 138-020-010 on February 3, 2007.

19 6. Defendants Patel's portion of taxes, if any, is cancelled as of February 3, 2007.

20 7. The funds on deposit with the Treasurer of the State of California, Condemnation
21 Fund, in the amount of One Million Six Hundred Twenty Thousand Dollars (\$1,620,000.00),
22 including all interest remaining on deposit, shall be disbursed payable to plaintiff Redevelopment
23 Agency of the City of Riverside forthwith as follows:

24 Heriberto F. Diaz, Deputy Agency General Counsel
25 Office of the Agency Attorney
Agency of Riverside
3900 Main Street, Fifth Floor
Riverside, California 92522



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1 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
2 CONDEMNATION:

3 The interest condemned to the Redevelopment Agency of the City of Riverside is a fee
4 simple absolute in and to Assessor's Parcel Number 138-020-010.

5 Upon payment of the Award, the interest of defendants Narayan A. Patel, Hiraben
6 Narayanbhai Patel, Anil Narayanbhai Patel, and Daxaben Anilkumar Patel in the real property
7 designated as Assessor's Parcel Number 138-020-010 is hereby condemned for the public use
8 and purposes described in the Complaint herein, to wit, for assemblage and redevelopment of
9 underutilized parcels in the La Sierra/ Arlanza Project Area. Plaintiff Redevelopment Agency of
10 the City of Riverside to take title to the interests of said defendants in the real property described
11 in Exhibit "A" hereto, together with all improvements thereon in which said defendants have an
12 interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of
13 whatever kind or nature.

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

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19 DATED: 8/10/07


Judge of the Superior Court

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EXHIBIT "A"

A.P.N. 138-020-010
FEE SIMPLE INTEREST

THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF RIVERSIDE,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEASTERLY RECTANGULAR HALF OF LOT 3 IN BLOCK
39 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS
SHOWN BY MAP ON FILE IN BOOK 1, PAGE 72, (FORMERLY KNOWN AS BOOK 1,
PAGE 70) OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA,
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 3, LOCATED
125 FEET NORTHEASTERLY FROM THE NORTHWESTERLY CORNER OF THE
NORTHEASTERLY HALF OF SAID LOT 3;

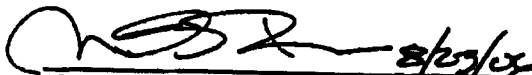
THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT, A
DISTANCE OF 125 FEET;

THENCE SOUTHEASTERLY, PARALLEL WITH SOUTHWESTERLY LINE OF SAID LOT, A
DISTANCE OF 348 FEET;

THENCE SOUTHWESTERLY, PARALLEL WITH THE NORTHWESTERLY LINE OF SAID
LOT, A DISTANCE OF 125 FEET;

THENCE NORTHWESTERLY, PARALLEL WITH SOUTHWESTERLY LINE OF SAID LOT, A
DISTANCE OF 348 FEET TO THE POINT OF BEGINNING.

*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 8/20/07 Date Prep. _____
License Expires 9/30/07



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