

DOC # 2010-0001937

01/05/2010 08:00A Fee:NC

Page 1 of 9

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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

Ref: CA#06-1709.1

This instrument is for the benefit  
of the City of Riverside and is  
exempt from recording fees  
(Government Code § 27383<sup>1</sup>)

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**JUDGMENT AND FINAL ORDER OF CONDEMNATION**  
**CASE NO. RIC458091**

**D- 16426**

<sup>1</sup> 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."

16426

Riverside Superior Court  
Date Received: 12/4/09

12/21  
9/8

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766  
2 HERIBERTO F. DIAZ, Deputy City Attorney, SBN 132821  
3 CITY OF RIVERSIDE  
4 City Hall, 3900 Main Street  
5 Riverside, California 92522  
6 951-826-5567  
7 951-826-5540  
8 ediaz@riversideca.gov

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
DEC 10 2009  
*[Signature]*

ESG  
DEC 21 2009

Attorneys for Plaintiff, City of Riverside (Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

11 REDEVELOPMENT AGENCY OF THE CITY  
12 OF RIVERSIDE, a public body, corporate and  
13 politic,  
14 Plaintiff,  
15 vs.  
16 CBS OUTDOOR, INC., a Delaware  
17 corporation; ALL PERSONS UNKNOWN  
18 CLAIMING AN INTEREST IN THE  
19 PROPERTY; AND DOES 1 THROUGH 100,  
20 inclusive,  
21 Defendants.

CASE NO.: RIC458091  
Assigned for all purposes to the  
Honorable Judge Bernard Schwartz  
Department 8

JUDGMENT AND FINAL ORDER OF  
CONDEMNATION

APN 213-222-003  
Complaint filed: October 4, 2006  
OSC re Dismissal: December 21, 2009  
Time: 8:30 a.m.  
Dept.: 8

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.

///  
///  
///

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



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2 of 9

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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 California, section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to acquire real property or interests therein for public uses and purposes, to wit: the Downtown/Airport Industrial Redevelopment Project Area consolidation of ownership for redevelopment purposes, and for related incidental improvements ("Project").

2. After a duly notice public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on September 5, 2006, plaintiff Redevelopment Agency of the City of Riverside ("Agency") adopted Resolution Number 798 authorizing plaintiff to acquire the property described in the complaint on file herein, including Riverside County Assessor's Parcel Number 213-222-003 by eminent domain. In compliance with sections 1245.220 and 1245.230 of the Code of Civil Procedure, the Agency found and determined that: (a) the public interest and necessity require the proposed project, (b) the proposed project is planned and located in the manner that will be the most compatible with the greatest public good and least private injury, (c) the acquisition and taking of permanent easements and lesser interests in the property sought to be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the Government Code has been made to the owners of record of the subject property interests.

3. The Agency commenced this eminent domain action to condemn the following property interests: leasehold estate over APN 213-222-003.

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2010-0001937  
01/05/2010 08:00A  
3 of 9

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4. Plaintiff named the following defendants in this action:

<u>DEFENDANT</u>	<u>INTEREST</u>
CBS Outdoor, Inc.	Leaseholder
Garrett Flyr dba Mr. Beasley's Antiques	Tenant

5. The following defendants were dismissed by plaintiff without prejudice from this action on the dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
CBS Outdoor, Inc.	August 15, 2007
Garrett Flyr dba Mr. Beasley's Antiques	June 17, 2009

6. On October 3, 2006, plaintiff deposited Forty-seven Thousand Three Hundred Dollars (\$47,300.00) with the Treasurer of the State of California condemnation fund as a deposit of probable just compensation. Said deposit was apportioned to defendant CBS Outdoor, Inc.'s, for its leasehold estate interest being acquired by plaintiff in Assessor's Parcel Number 213-222-003.

7. On November 20, 2007, plaintiff deposited an additional Seven Thousand Three Hundred Thirty Dollars (\$7,330.00) with the Treasurer of the State of California condemnation fund as a deposit of probable just compensation. Said deposit was apportioned to defendant Garrett Flyr dba Mr. Beasley's Antiques for its fixtures and equipment interest.

8. None of the parties in this action have made an application to withdraw any portion of the deposit of probable compensation. All funds remain on deposit with the State Treasurer.

9. Settlements were reached between plaintiff and defendants CBS Outdoor, Inc., and Garrett Flyr dba Mr. Beasley's Antiques providing for payment of compensation outside of these court proceedings as to Assessor's Parcel Number 213-222-003.

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2010-0001937  
01/05/2010 08:00A  
4 of 9

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1           10. The interest of defendant CBS Outdoor, Inc., in the real property designated  
2 in the complaint as Assessor's Parcel Number 213-222-003 to be condemned herein is  
3 leasehold estate.

4           11. An Order of Prejudgment Possession ("OPP") became effective as to the  
5 interests of defendant CBS Outdoor, Inc., in and to Assessor's Parcel Number 213-222-003  
6 on February 5, 2007. Pursuant to the OPP, plaintiff exercised its rights and completed the  
7 project.

8           12. The use for which an interest in and to Assessor's Parcel Number 213-222-  
9 003 is being acquired is a use authorized by law and the acquisition of said interest is  
10 necessary to said use.

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

12           1. The funds remaining on deposit with the Treasurer of the State of California  
13 condemnation fund in the amount of Fifty-four Thousand Six Hundred Thirty Dollars  
14 (\$54,630.00), including all interest remaining on deposit, shall be disbursed to plaintiff  
15 forthwith and made payable as follows:

16                   Attn: Heriberto F. Diaz, Deputy City Attorney  
17                   Office of the City Attorney  
18                   City of Riverside  
19                   3900 Main Street, 5<sup>th</sup> Floor  
20                   Riverside, California 92522

21           2. Payment hereunder shall be deemed to expressly include all costs of suit  
22 pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses  
23 including, but not limited to, those defined in California Code of Civil Procedure section  
24 1235.140. Payment hereunder shall further be deemed to be the total just compensation and  
25 damages, if any, to which defendants CBS Outdoor, Inc., and Garrett Flyr dba Mr. Beasley's  
Antiques shall be entitled by reason of the condemnation of Assessor's Parcel Number 213-  
222-003.



2010-0001937  
01/05/2010 08:00A  
5 of 9

1           3. Defendant CBS Outdoor, Inc.'s, portion of taxes as to Assessor's Parcel  
2 Number 213-222-003 is cancelled as of the effective date of possession herein, February 5,  
3 2007.

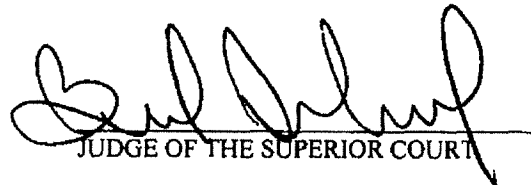
4           WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
5 CONDEMNATION:

6           The interests of defendants CBS Outdoor, Inc., and Garrett Flyr dba Mr. Beasley's  
7 Antiques in the real property designated as Assessor's Parcel Number 213-222-003 are  
8 hereby condemned for the public use and purpose described in the complaint herein, to wit,  
9 consolidation of ownership for redevelopment purposes; Plaintiff to take title to the  
10 interest(s) of said defendant in said real property together with all improvements thereon in  
11 which said defendant has an interest, free and clear of any and all liens, encumbrances,  
12 easements, and leaseholds of whatever kind or nature:

13           That fee simple interest condemned to the City of Riverside in and to Assessor's  
14 Parcel Number 213-222-003 is legally described in Exhibit "A" hereto.

15  
16 DATED: \_\_\_\_\_

12/7/09

  
JUDGE OF THE SUPERIOR COURT



2010-0001937  
01/05/2010 08:00A  
6 of 9

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2010-0001937  
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7 of 9

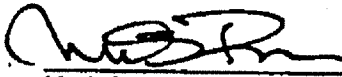
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**EXHIBIT A**

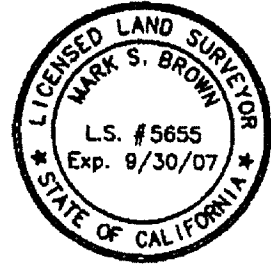
**LEASEHOLD INTEREST  
APN 213-222-003**

**THE NORTHWESTERLY 157.50 FEET OF THAT PORTION OF BLOCK 6, RANGE 7, OF THE TOWN OF RIVERSIDE, AS SHOWN BY MAP ON FILE IN BOOK 7, PAGE 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 187 FEET OF SAID BLOCK 6.**

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 12/27/05 Prep. \_\_\_\_\_  
Date

Mark S. Brown, L.S. 5655  
License Expires 9/30/07





This must be in red to be a  
"CERTIFIED COPY"

Each document to which this certificate is attached  
is certified to be a full, true and correct copy of the  
original on file and of record in my office.

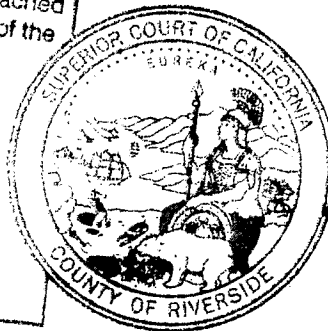
Superior Court of California  
County of Riverside

By \_\_\_\_\_

DEPUTY

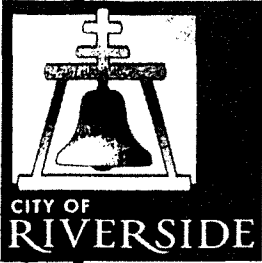
Dated: 12/28/09

Certification must be in red to be a  
"CERTIFIED COPY"



2010-0001937  
01/05/2010 08:00A  
9 of 9

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MEMORANDUM  
CITY ATTORNEY'S OFFICE

RECEIVED

JAN 19 2010


City of Riverside  
City Clerk's Office

TO: City Clerk  
FROM: Kimberly Oehlert  
DATE: January 15, 2010  
RE: JUDGMENTS - CITY'S OFFICIAL RECORD

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Enclosed is the Judgment and Final Order of Condemnation re Redevelopment Agency v. CBS Outdoor, Inc. (Case No. RIC458091). Please retain this document as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.

  
Kimberly Oehlert  
Legal Assistant  
Ext. 5768