

DOC # 2010-0349691

07/27/2010 08:00A Fee:NC

Page 1 of 10

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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#070-1363.1



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. RIC476402

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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Riverside Superior Court
Date Received: 4/17/10

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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3 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
4 CITY OF RIVERSIDE
5 City Hall, 3900 Main Street
6 Riverside, California 92522
7 Telephone (951) 826-5567
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9 ediaz@riversideca.gov
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Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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

13 Plaintiff,

14 vs.

15 THEODORE RICHARD GAINES, an individual;
16 ALL PERSONS UNKNOWN CLAIMING AN
17 INTEREST IN THE PROPERTY; AND DOES 1
18 THROUGH 100, inclusive,

Defendant(s).

Case No.: RIC476402

Assigned for all purposes to the
Honorable Judge Gloria Connor Trask
Department 1

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

[Application for Entry of Judgment and
Declaration of Brandon S. Mercer submitted
concurrently herewith]

APN: 221-172-017

19
20
21 This Judgment and Final Order of Condemnation is hereby made following disposition,
22 through the court proceedings described below, of all parties and property interests alleged in the
23 Complaint in Eminent Domain.

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2010-0349691
07/27/2010 08:00A
2 of 10

IT IS HEREBY FOUND AND DETERMINED:

1 Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
2 the State of California, section 4090 of the Streets and Highways Code of the State of California,
3 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section
4 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
5 acquire real property or interests therein for public uses and purposes.
6

7 2. After a duly notice public hearing and an opportunity to be heard in compliance
8 with Code of Civil Procedure section 1245.235, on July 10, 2007, plaintiff City of Riverside
9 ("City") adopted Resolution Number 21443 authorizing plaintiff to acquire the property
10 described in the complaint on file herein, including Riverside County Assessor's Parcel Number
11 221-172-017 by eminent domain. In compliance with sections 1245.220 and 1245.230 of the
12 Code of Civil Procedure, the Agency found and determined that: (a) the public interest and
13 necessity require the proposed project, (b) the proposed project is planned and located in the
14 manner that will be the most compatible with the greatest public good and least private injury,
15 (c) the acquisition and taking of permanent easements and lesser interests in the property sought
16 to be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
17 Government Code has been made to the owners of record of the subject property interests.
18

19 3. The City commenced this eminent domain action to condemn the following
20 property interests:

<u>APN</u>	<u>INTEREST TO BE ACQUIRED</u>
221-172-017	Public Street & Highway Easement
221-172-017	Temporary Construction Easement

23
24
25 4. Plaintiff named the following defendant in this action:

<u>DEFENDANT</u>	<u>INTEREST</u>
Theodore Richard Gaines	Owner



1 5. An Amended Order for Prejudgment Possession was signed by Honorable Judge
2 Edward D. Webster on December 12, 2007, whereby plaintiff was authorized and empowered to
3 take possession of the property thirty (30) days after service of the order. Defendant was served
4 with the Amended Order on December 29, 2007, and plaintiff was authorized to take possession
5 on January 28, 2008.

6 6. Plaintiff's portion of taxes, if any, as to Assessor Parcel Number 221-172-017
7 shall be cancelled as of the effective date of possession established in paragraph 5 of this
8 Judgment.
9

10 7. The remaining interests, of whatever kind or nature, of all defendants in and to the
11 parcels and the cancellation or taxes are disposed of in the this Judgment and Final Order of
12 Condemnation.

13 8. On July 19, 2007, plaintiff deposited Two Thousand Seven Hundred Dollars
14 (\$2,700.00) with the Treasurer of the State of California condemnation fund as a deposit of
15 probable just compensation.

16 9. None of the parties in this action have made an application to withdraw any
17 portion of the deposit of probable compensation. All funds remain on deposit with the State
18 Treasurer.
19

20 10. A Settlement was reached between plaintiff and defendant Theodore Richard
21 Gaines providing for payment of compensation outside of these court proceedings as to
22 Assessor's Parcel Number 221-172-017.

23 11. The interest of defendant Theodore Richard Gaines in the real property designated
24 in the complaint as Assessor's Parcel Number 221-172-017 to be condemned herein is right of
25 way easement.

26 12. An Order of Prejudgment Possession ("OPP") became effective as to the interests
27 of defendant Theodore Richard Gaines in and to Assessor's Parcel Number 221-172-017 on
28 January 28, 2008. Pursuant to the OPP, plaintiff exercised its rights and completed the project.



1 13. The use for which an interest in and to Assessor's Parcel Number 221-172-017 is
2 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
3 use.

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

5 1. The funds remaining on deposit with the Treasurer of the State of California
6 condemnation fund in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00),
7 including all interest remaining on deposit, shall be payable to the City of Riverside and
8 forwarded to plaintiff's counsel forthwith:

9 Attn: Brandon S. Mercer, Deputy City Attorney
10 Office of the City Attorney
11 3900 Main Street, 5th Floor
12 Riverside, California 92522

13 2. Payment hereunder shall be deemed to expressly include all costs of suit pursuant
14 to California Code of Civil Procedure section 1268.710 and all litigation expenses including, but
15 not limited to, those defined in California Code of Civil Procedure section 1235.140. Payment
16 hereunder shall further be deemed to be the total just compensation and damages, if any, to
17 which defendant Theodore Richard Gaines shall be entitled by reason of the condemnation of
18 Assessor's Parcel Number 221-172-017.

19 3. Plaintiff's portion of taxes, if any, as to the Assessor Parcel Number 221-172-017
20 is hereby cancelled as of January 28, 2008.

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

23 The interests of defendant Theodore Richard Gaines in the real property designated as
24 Assessor's Parcel Number 221-172-017 are hereby condemned for the public use and purpose
25 described in the complaint herein, to wit, to construct sidewalks and street improvements on
26 Martin Luther King Boulevard between Ottawa Avenue and Chicago Avenue; Plaintiff to take
27 title to the interest(s) of said defendant in said real property together with all improvements
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thereon in which said defendant has an interest, free and clear of any and all liens,
encumbrances, easements, and leaseholds of whatever kind or nature:

The interests condemned to the City of Riverside in and to Assessor's Parcel Number
221-172-017 is legally described in Exhibit "A" hereto.

DATED: 7/1/10

Alma C. Lee
JUDGE OF THE SUPERIOR COURT



2010-0349691
07/27/2010 08:00A
6 of 10

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EXHIBIT A



2818-0349631
07/27/2018 08:00A
7 of 18

16494

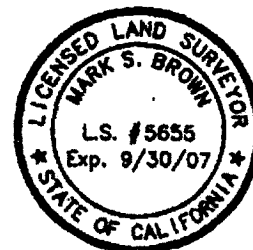
A.P.N. 221-172-017
Public Street & Highway Easement

The southerly 2.50 feet of Lot 27, in Block D of the Map of Grand View Place, in the City of Riverside, County of Riverside, State of California, as shown by map filed in Map Book 5, Page 50, Records of San Bernardino County, California.

Containing 155 S.F. more or less.

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

 Nov 3/05 Prep. 
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/07



2010-0349691
07/27/2010 08:00A
8 of 10

16494

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 7, 2010, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

Eric Douglas Johnson, Esq.
Law Offices of Eric Douglas Johnson
3717 S. La Brea #668
Los Angeles, CA 90016

Attorneys for defendant:
Theodore Richard Gaines

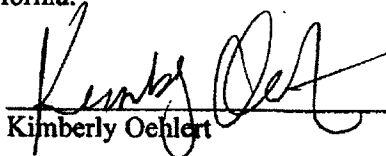
Theodore Gaines
23500 State Hwy 74
Perris, CA 92570

Defendant

(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.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on June 7, 2010, at Riverside, California.


Kimberly Oehlert



2010-0349631
07/27/2010 08:00A
3 of 18

16494