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Riverside City Attorney's Office
3900 Main Street
Riverside, CA 92522
Ref: CA#L10-0223.6

DOC # 2012-0009074

01/09/2012 03:14P Fee:NC

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Recorded in Official Records

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. RIC10022418

16756



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."

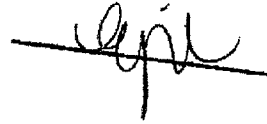
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CITY OF RIVERSIDE
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bmercerc@riversideca.gov

Attorneys for Plaintiff, City of Riverside

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JAN 04 2012



(Fee Exempt Gov't Code § 6103)

JAN 04 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Plaintiff,

vs.

JTR INVESTMENTS, LLC; et al,

Defendants.

) Case No. RIC10022418

) Assigned to Dept. 4

) **JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

) APN 247-140-034

) Complaint Filed: 11/18/2010

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.

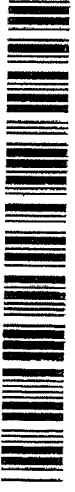
IT IS HEREBY FOUND AND DETERMINED:

1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of the State of California, section 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: to construct a grade separation across the existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue, between Palmyrita Avenue and Spring Street.

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2. Plaintiff City of Riverside ("City") commenced this eminent domain action to condemn a retaining wall and footing easement and a temporary construction easement which are legally described in the attached exhibit "A."

3. After a duly noticed public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on November 16, 2010, plaintiff's City Council adopted Resolution Number 22119 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council 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 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.

4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
JTR Investments, LLC	Owner
East Riverside Land Company	Easement Holder
James T. Rountree, Trustee of The James T. Rountree Revocable Trust dated September 15, 1998	Possible Claimant
Citizens Business Bank	Deed of Trust Beneficiary
Fidelity National Title Company	Deed of Trust Trustee
County of Riverside	Lien Holder
RSVC Company, a California corporation, dba Reliable Electric and Telecom Company	Tenant
California Wild Turkey, LLC	Possible Claimant

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1 5. The following defendants filed disclaimers on the dates indicated below and are
2 entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Fidelity National Title Company	12/08/2010
County of Riverside	07/19/2011

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
JTR Investments, LLC	12/05/2011
James T. Rountree, Trustee of The James T. Rountree Revocable Trust dated September 15, 1998	12/05/2011

13 7. The following defendants have been regularly served with process herein and
14 having failed to appear or answer within the time allowed by law, had their defaults taken on the
15 dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
East Riverside Land Company	07/21/2011
Citizens Business Bank	01/31/2011
RSVC Company, a California corporation, dba Reliable Electric and Telecom Company	05/25/2011
California Wild Turkey, LLC	08/08/2011

22 8. On November 17, 2010, plaintiff deposited with the Office of the Treasurer for
23 the state of California the amount of Five Thousand Six Hundred Dollars (\$5,600.00) as a
24 deposit of probable just compensation for the property described in the attached exhibit "A."

25 9. On December 14, 2011, the court made and entered an order authorizing
26 withdrawal of Five Thousand Six Hundred Dollars (\$5,600.00) from funds on deposit with the
27 State Treasurer for APN 247-140-034.

28 10. No funds remain on deposit with the State's Treasurer's Office.

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1 11. On April 22, 2011, an Order of Prejudgment Possession ("OPP") became
2 effective in and to the property described in the attached exhibit "A."

3 12. The use for which an interest in and to the property described in the attached
4 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is
5 necessary to said use.

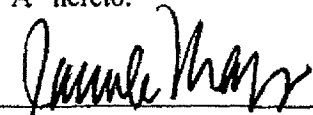
6 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
7 condemnation is hereby made in favor of the City of Riverside. The following defendants are
8 entitled to no compensation or damages: East Riverside Land Company; Citizens Business Bank;
9 Fidelity National Title Company; County of Riverside; RSVC Company, a California
10 corporation, dba Reliable Electric and Telecom Company; California Wild Turkey, LLC.

11 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
12 CONDEMNATION:

13 The interests of defendants East Riverside Land Company, Citizens Business Bank,
14 Fidelity National Title Company, County of Riverside, RSVC Company, a California
15 corporation, dba Reliable Electric and Telecom Company, and California Wild Turkey, LLC, in
16 the real property described in the attached exhibit "A" are hereby condemned for the public use
17 and purpose described in the complaint herein, to wit, to construct a grade separation across the
18 existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue, between Palmyrita
19 Avenue and Spring Street, plaintiff to take title to the interest(s) of said defendants in said real
20 property together with all improvements thereon in which said defendant has an interest, and
21 except as otherwise described in the attached exhibit "A," free and clear of any and all liens,
22 encumbrances, easements, and leaseholds of whatever kind or nature.

23 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
24 247-140-034 are legally described in Exhibit "A" hereto.

25 DATED: 1/31/12


26 _____
27 **Judge** OF THE SUPERIOR COURT
28 **Pamela A. Thatcher**

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IOWA AVENUE OVERPASS
POR. APN: 247-140-034
RETAINING WALL
FOOTING EASEMENT

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

That portion of Parcel 1 of Parcel Map 31914 on file in Book 212 of Parcel Maps at Pages 39 through 40 thereof, Records of Riverside County, California, described as follows:

Beginning at the Northeast corner of said Parcel 1;


Thence N.89°04'54"W. along the Northerly line of said Parcel 1, a distance of 4.36 feet;

Thence S.40°21'37"E., a distance of 6.66 feet to the Easterly line of said Parcel 1;

Thence N.00°32'48"E. along said Easterly line, a distance of 5.00 feet to the point of beginning.

The above described parcel of land contains 11 square feet, more or less.

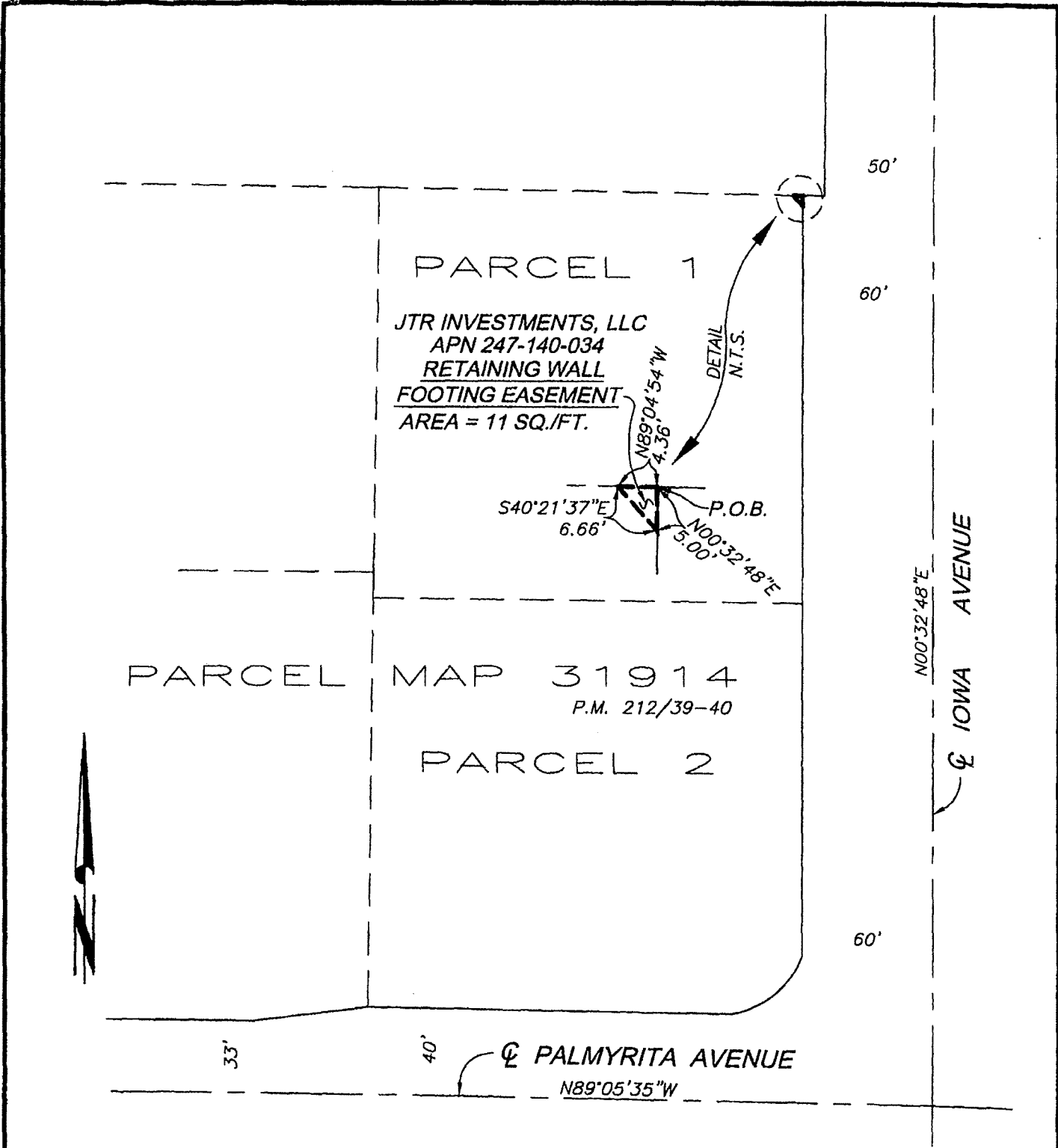
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.


Mark S. Brown, L.S. 5655
License Expires 9/30/11

3/2/10 Date
Prep. E.V.



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NOT A PART OF THE RECORDED DOCUMENT

• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: 1"=60'

DRAWN BY: EV

DATE: 2/22/10

SUBJECT: IOWA AVENUE OVERPASS

16756

IOWA AVENUE OVERPASS
POR. APN: 247-140-034
TEMPORARY CONSTRUCTION EASEMENT

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

That portion of Parcel 1 of Parcel Map 31914 on file in Book 212 of Parcel Maps at Pages 39 through 40 thereof, Records of Riverside County, California, described as follows:

Beginning at the Southeast corner of said Parcel 1;

Thence N.89°27'59"W. along the Southerly line of said Parcel 1, a distance of 57.00 feet to a line parallel with and distant 57.00 feet Westerly, measured at right angles from the Easterly line of said Parcel 1;

Thence N.00°32'48"E. along said parallel line, a distance of 33.00 feet to a line parallel with and 33.00 feet Northerly, measured at right angles from the Southerly line of said Parcel 1;

Thence S.89°27'59"E. along said parallel line, a distance of 32.37 feet;

Thence N.41°50'19"E., a distance of 10.80 feet to a line parallel with and distant 17.50 feet Westerly, measured at right angles from the Easterly line of said Parcel 1;

Thence N.00°32'48"E. along said parallel line, a distance of 146.85 feet to the Northerly line of said Parcel 1;

Thence S.89°04'54"E. along said Northerly line, a distance of 13.14 feet;

Thence S.40°21'37"E., a distance of 6.66 feet to said Easterly line;



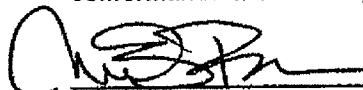
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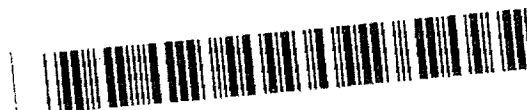
Thence S.00°32'48"W. along said Easterly line, a distance of 182.85 feet to the point of beginning.

The above described parcel of land contains 4,610 square feet, more or less.

This temporary easement and right-of-way shall terminate 16 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by City as demonstrated by recordation of a notice of completion, whichever occurs first.

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

 10/5/2010 Prep. E.V.
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11



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