

DOC # 2012-0402224

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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# L11-0225.1



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. RIC1119864

D-16823

<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."

16823

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

AUG 08 2012

C. Andrews

*C. Andrews*

AUG 18 2012

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and ) Case No. RIC1119864  
11 municipal corporation, ) Assigned to the Honorable  
12 Plaintiff, ) Judge Gloria Connor Trask  
13 vs. ) Dept. 3  
14 KUZMA TUDOR; et al., ) **JUDGMENT AND FINAL ORDER OF**  
15 Defendants. ) **CONDEMNATION**  
16 ) APN 226-071-008

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

20 IT IS HEREBY FOUND AND DETERMINED:

21 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of  
22 the State of California, section 1240.010 of the Code of Civil Procedure of the State of  
23 California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of  
24 Riverside is authorized to acquire real property or interests therein for public uses and purposes,  
25 to wit: to construct a grade separation along Streeter Avenue from Beatty Drive to Lantana  
26 Street.

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



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2. Plaintiff City of Riverside ("City") commenced this eminent domain action to condemn a fee simple interest which is 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 December 6, 2011, plaintiff's City Council adopted Resolution Number 22304 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>
Kuzma Tudor	Owner
Melinda Tudor	Owner
Pacific Bell Telephone Company f/k/a Pacific Telephone And Telegraph Company	Easement Holder
Fidelity National Title Insurance Company	Deed of Trust Trustee
Encore Credit Corporation	Deed of Trust Beneficiary
The Bank of New York Mellon Trust Company, N.A.	Deed of Trust Beneficiary

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Pacific Bell Telephone Company	01/25/2012
The Bank of New York Mellon Trust Company	07/23/2012



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

4	<u>DEFENDANT</u>	<u>DATE OF FILING</u>
5	Kuzma Tudor	07/25/2012
6	Melinda Tudor	07/25/2012
7	Fidelity National Title Insurance Company	02/08/2012
8	Encore Credit Corporation	02/08/2012

10           7.     On December 7, 2011, plaintiff deposited with the Office of the Treasurer for the  
11 state of California the amount of One Thousand One Hundred Dollars (\$1,100.00) as a deposit of  
12 probable just compensation ("Condemnation Deposit") for the property described in the attached  
13 exhibit "A."

14           8.     The Condemnation Deposit has not been withdrawn and remains on deposit with  
15 the State's Treasurer's Office.

16           9.     On May 14, 2012, an Order of Prejudgment Possession ("OPP") became effective  
17 in and to the property described in the attached exhibit "A."

18           10.    The use for which an interest in and to the property described in the attached  
19 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is  
20 necessary to said use.

21           NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in  
22 condemnation is hereby made in favor of the City of Riverside. The following defendants are  
23 entitled to no compensation or damages: Pacific Bell Telephone Company f/k/a Pacific  
24 Telephone and Telegraph Company, Fidelity National Title Insurance Company, Encore Credit  
25 Corporation, and The Bank of New York Mellon Trust Company, N.A. The Condemnation  
26 Deposit remains on deposit with the State Treasurer's office for the benefit of Kuzma Tudor and  
27 Melinda Tudor as owners of the Subject Property.

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WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
CONDEMNATION:

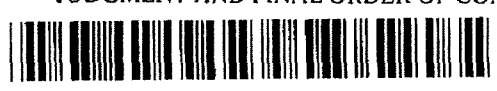
The interests of defendants Kuzma Tudor, Melinda Tudor, Pacific Bell Telephone Company f/k/a Pacific Telephone and Telegraph Company, Fidelity National Title Insurance Company, Encore Credit Corporation, and The Bank of New York Mellon Trust Company, N.A., in the real property described in the attached exhibit "A" are hereby condemned for the public use and purpose described in the complaint herein, to wit, to construct a grade separation along Streeter Avenue from Beatty Drive to Lantana Street, plaintiff to take title to the interest(s) of said defendants in said real property together with all improvements thereon in which said defendant has an interest, and except as otherwise described in the attached exhibit "A," 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 226-071-008 are legally described in Exhibit "A" hereto.

DATED: 8/6/12 *Gloria E. Lewis*  
JUDGE OF THE SUPERIOR COURT

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L11-0225.1

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



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EXHIBIT A



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5279 Appleton Street  
Portions A.P.N. 226-071-008  
*Public Street Easement*

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

That portion of Lot 10 of Kingsley Homes, as shown by map on file in Book 30, Pages 70 and 71 of Maps, records of Riverside County, California, described as follows:

BEGINNING at the southwesterly corner of said Lot 10; said corner being the beginning of a non-tangent curve concaving southerly, having a radius of 333.00 feet and to which the radius bears South 0°42'03" West;

THENCE easterly along the southerly line of said Lot 10, and along said curve to the right through a central angle of 5°26'05", an arc length of 31.59 feet to a point of cusp with a tangent curve concaving northerly and having a radius of 14.50 feet; the radial line at said point bears South 6°08'08" West;

THENCE westerly to the right along said last mentioned curve through a central angle of 17°13'13" an arc length of 4.36 feet;

THENCE along a line tangent to the end of said last mentioned curve North 66°38'39" West, a distance of 13.86 feet to the beginning of a tangent curve concaving southerly and having a radius of 43.00 feet;

THENCE westerly to the left along said last mentioned curve through a central angle of 19°56'45" an arc length of 14.97 feet to the westerly line of said Lot 10;

THENCE along said westerly line South 0°42'16" West, a distance of 8.16 feet to the POINT OF BEGINNING.

Area - 141 square feet, more or less.

*Temporary Construction Easement*

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



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That portion of Lot 10 of Kingsley Homes, as shown by map on file in Book 30, Pages 70 and 71 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the southwesterly corner of said Lot 10;

THENCE along the westerly line of said Lot 10 North  $0^{\circ}42'16''$  East, a distance of 8.16 feet to the POINT OF BEGINNING of the parcel of land being described;

THENCE continuing along said westerly line North  $0^{\circ}42'16''$  East, a distance of 18.00 feet;

THENCE South  $89^{\circ}17'44''$  East, at right angle to said westerly line, a distance of 18.00 feet;

THENCE South  $0^{\circ}42'16''$  West, parallel with said westerly line, a distance of 17.30 feet;

THENCE South  $66^{\circ}38'39''$  East, a distance of 12.00 feet;

THENCE South  $80^{\circ}09'18''$  East, a distance of 8.01 feet;

THENCE South  $6^{\circ}08'10''$  West, a distance of 5.00 feet to the beginning of a non-tangent curve concaving southerly, having a radius of 333.00 feet and to which the radius bears South  $6^{\circ}59'45''$  West;

THENCE westerly to left along said curve through a central angle of  $0^{\circ}51'37''$  an arc length of 5.00 feet to a point of reverse curvature with a tangent curve concaving northerly and having a radius of 14.50 feet; the radial line to said point bears South  $6^{\circ}08'08''$  West;

THENCE westerly to the right along said last mentioned curve through a central angle of  $17^{\circ}13'13''$  an arc length of 4.36 feet;


THENCE North  $66^{\circ}38'39''$  West, a distance of 13.86 feet to the beginning of a tangent curve concaving southerly and having a radius of 43.00 feet;

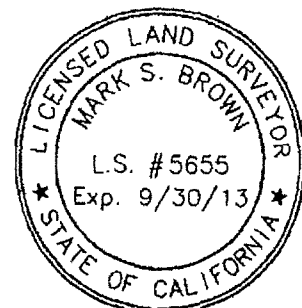
THENCE westerly to the left along said last mentioned curve through a central angle of  $19^{\circ}56'45''$  an arc length of 14.97 feet to the POINT OF BEGINNING.

This temporary easement and right-of-way shall terminate 18 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by the City as demonstrated by recordation of a notice of completion, whichever occurs first.

Area – 455 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.

 9/20/11 Prep. *Kgr*  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/13



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