

DOC # 2012-0430855

09/10/2012 03:26P Fee:NC

Page 1 of 8

Recorded in Official Records
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# L10-223.1



This instrument is for the benefit
of the City of Riverside and is
exempt from recording fees
(Government Code § 27383¹)

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			8						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NO FEE						T:	CTY	UNI	515

C
518

Space above this line reserved for Recorder's use.

**JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC10022417**

D- 16828

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."

16828

1 GREGORY P. PRIAMOS, City Attorney, SBN 136766
KRISTI J. SMITH, Supv. Deputy City Attorney, SBN 120218
2 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
CITY OF RIVERSIDE
3 City Hall, 3900 Main Street
Riverside, California 92522
4 Telephone (951) 826-5567
Facsimile (951) 826-5540
5 bmercer@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 21 2012

P. Vang-Ly

GC
AUG 23 2012

6 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE

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

11 Plaintiff,

12 vs.

13 ARAKELIAN ENTERPRISES, INC., etc.; et al,

14 Defendants.

) Case No. RIC10022417
) Assigned to the Honorable Craig G.
) Riemer
) Dept. 5

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

) APN 247-130-017

15 Complaint Filed: 11/18/2010

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 4090 of the Streets and Highways Code of the State of California,
23 section 1240.010 of the Code of Civil Procedure of the State of California, and Article 1, section
24 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
25 acquire real property or interests therein for public uses and purposes, to wit: to construct a grade
26 separation across the existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue,
27 between Palmyrita Avenue and Spring Street.



1 2. Plaintiff City of Riverside ("City") commenced this eminent domain action to
2 condemn the following property interests which are legally described in the attached exhibit
3 "A":

4 APN Interest to be Acquired
5 247-130-017 Temporary Construction Easement
6

7 3. After a duly noticed public hearing and an opportunity to be heard in compliance
8 with Code of Civil Procedure section 1245.235, on November 16, 2010, plaintiff's City Council
9 adopted Resolution Number 22118 authorizing plaintiff to acquire the property described in the
10 attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with
11 sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and
12 determined that: (a) the public interest and necessity require the proposed project, (b) the
13 proposed project is planned and located in the manner that will be the most compatible with the
14 greatest public good and least private injury, (c) the acquisition and taking of interests in the
15 property sought to be acquired are necessary for the Project, and (d) the offer required by section
16 7267.2 of the Government Code has been made to the owners of record of the Subject Property.

17 4. Plaintiff named the following defendants in this action:

18

<u>Defendant Name</u>	<u>Property Interest</u>
Arakelian Enterprises, Inc., dba Athens Services	Owner
Southern California Edison Company as successor in interest to California Electric Power Company	Easement Holder
County of Riverside	Lien Holder

19
20
21
22
23

24 5. The following defendant filed a disclaimer on the date indicated below and is
25 entitled to no compensation:

26 DEFENDANT DATE OF FILING
27 County of Riverside 07/19/2011
28

///



1 6. On July 15, 2011, a Stipulation and Order for Interlocutory Judgment was entered
2 as to defendant Southern California Edison Company.

3 7. On August 1, 2012, a Stipulation re Settlement and For Entry of Partial Judgment
4 and Final Order of Condemnation ("Stipulation") was made and entered as to defendant
5 Arakelian Enterprises, Inc. dba Athens Services (hereinafter "Arakelian").

6 8. On August 1, 2012, this court entered the Partial Judgment and Final Order of
7 Condemnation ("Partial Judgment") re Arakelian.

8 9. Pursuant to the Stipulation and Partial Judgment, the total amount of just
9 compensation to be paid by plaintiff to Arakelian is \$147,000.00 ("Award"). The Award was
10 paid by the City to Arakelian on August 17, 2012.

11 10. On November 17, 2010, plaintiff deposited with the Office of the Treasurer for
12 the state of California the amount of Seven Thousand Four Hundred Dollars (\$7,400.00) as a
13 deposit of probable just compensation for the property described in the attached exhibit "A."

14 11. On August 1, 2012, this court entered the Partial Judgment ("Partial Judgment")
15 re Arakelian which authorized withdrawal of \$7,400.00 from funds on deposit with the State
16 Treasurer for APN 247-130-017.

17 12. No funds remain on deposit with the State's Treasurer's Office for APN 247-130-
18 017.

19 13. An Order of Prejudgment Possession ("OPP") became effective in and to the
20 property described in the attached exhibit 'A' on April 23, 2011.

21 17. The use for which an interest in and to the property described in the attached
22 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is
23 necessary to said use.

24 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
25 condemnation is hereby made in favor of the City of Riverside. The following defendants are
26 entitled to no compensation or damages: County of Riverside and Southern California Edison
27 Company.
28



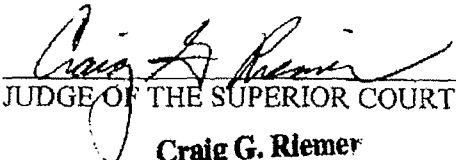
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
CONDEMNATION:

The interests of defendants County of Riverside and Southern California Edison
Company 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
across the existing Burlington Northern Santa Fe railroad tracks at Iowa Avenue, between
Palmyrita Avenue and Spring 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
247-130-017 are legally described in Exhibit 'A' hereto.

DATED: August 21, 2012


JUDGE OF THE SUPERIOR COURT
Craig G. Riemer
Judge of the Superior Court

o:\cycm\w\pdocs\d008\p010\0013\080.doc
L10-0223.1



EXHIBIT A



2012-0430855
09/18/2012 03:26P
6 of 8

16828

IOWA AVENUE OVERPASS
POR. APN: 247-130-017
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 2 of Parcel Map 13281 on file in Book 64 of Parcel Maps, at Pages 52 through 53 thereof, Records of Riverside County, California, described as follows:

Beginning at the Northeast corner of said Parcel 2;

Thence N.89°07'39"W. along the Northerly line of said Parcel 2, a distance of 225.57 feet;

Thence S.00°19'19"W., a distance of 33.72 feet;


Thence S.89°40'41"E., a distance of 225.89 feet to the Easterly line of said Parcel 2;

Thence N.00°17'01"W. along said Easterly line, a distance of 31.56 feet to the point of beginning.

The above described parcel of land contains 7,367 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.


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

