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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. RIC1203610

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522

D-16846

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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NOV 05 2012
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
NOV 13 2012
J. Castillo
NOV 19 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) Case No. RIC1203610
11 municipal corporation,) Assigned to the Honorable
12 Plaintiff,) Commissioner Pamela A. Thatcher
13 vs.) Dept. 4
14 SANDRA MARTILLO; ALL PERSONS)
15 UNKNOWN CLAIMING AN INTEREST IN THE) JUDGMENT AND FINAL ORDER OF
16 PROPERTY; and DOES 1 THROUGH 100,) CONDEMNATION
17 inclusive,) [Stipulation re Settlement and for Entry of
18 Defendants.) Judgment and Final Order of Condemnation
19 submitted concurrently herewith.]
20) Complaint Filed: March 14, 2012

21 This Judgment and Final Order of Condemnation is made following disposition through
22 the court proceedings described below of all parties and property interests alleged in the
23 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
24 Riverside (hereinafter "City"), by and through Brandon S. Mercer, Deputy City Attorney, and
25 defendant Sandra Martillo ("Defendant"), by and through her attorney, Jeremiah Raxter, Esq.,
26 that a Judgment and Final Order of Condemnation as to Assessor's Parcel Number 225-073-027
27 may be made and entered herein in accordance with the terms and conditions hereof without
28 further notice to said defendants,
29 ///
30 ///

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



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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: to construct of a grade separation (underpass) along Riverside Avenue from Merrill Avenue to approximately 300 feet north of Elizabeth Street.

2. After a duly noticed public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on March 6, 2012, plaintiff's City Council adopted Resolution Number 22352 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain ("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.

3. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Sandra Martillo	Owner
All Persons Unknown Claiming An Interest In The Property	Potential Claimant

4. The interest of Defendant in and to the real property designated in the complaint as Assessor's Parcel Number 225-073-027 is fee simple absolute. The interest being acquired by the City through this eminent domain action is a fee simple, as more particularly described in Exhibit 'A' hereto.



1 5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final
2 Order of Condemnation herein ("Stipulation"), Defendant waives the right to jury trial,
3 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
4 Order of Condemnation as to Assessor's Parcel Number 225-073-027, and the right and time for
5 appeal.

6 6. By execution of the Stipulation, Defendant expressly waives the right to challenge
7 the City's right to acquire the property by eminent domain, the right to further and greater
8 compensation and damages of whatever kind or nature, and the right to an award of interest,
9 attorneys fees and costs, to the extent that they may be allowable by law.

10 7. By execution of the Stipulation, the total compensation is in complete settlement
11 of any and all claims for compensation arising from the taking of the real property described in
12 Exhibit 'A' hereto ("Subject Property"), including costs, statutory interest, severance damages,
13 fixtures, equipment, or inventory, loss of business goodwill, relocation assistance, loss of or
14 damage to improvements pertaining to the realty, damages for precondemnation or inverse
15 condemnation, attorney's fees, all costs and litigation expenses of Defendant against the City by
16 reason of taking of the Subject Property.

17 8. Pursuant to the Stipulation, Defendant makes a knowing waiver of any and all
18 rights created by California Civil Code section 1542.

19 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
20 plaintiff to Defendant is the sum of Two Hundred Twenty-seven Thousand Seven Hundred
21 Seventy-seven Dollars (\$227,777.00) ("Award").

22 10. On March 7, 2012, the City deposited the sum of One Hundred Ninety-five
23 Thousand Dollars (\$195,000.00) ("Deposit") with the Treasurer of the State of California,
24 Condemnation Fund, as the probable just compensation for Assessor's Parcel Number ("APN")
25 225-073-027.

26 11. No funds have been withdrawn from the Deposit and \$195,000.00 remains on
27 deposit with the State Treasurer condemnation fund.

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(951) 826-3567



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1 12. City represents that payment of the Award less the Deposit ("Award Balance") in
2 the amount of Thirty-two Thousand Seven Hundred Seventy-seven Dollars (\$32,777.00) will be
3 made within thirty (30) days after entry of this Judgment and Final Order of Condemnation.

4 13. An Order of Prejudgment Possession became effective as to the interest of
5 Defendant in and to Assessor's Parcel Number 225-073-027 on August 13, 2012.

6 14. The use for which an interest in and to Assessor's Parcel Number 225-073-027 is
7 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
8 use.

9 15. The total of all applicable unpaid taxes, penalties, and costs for prior, current, and
10 next succeeding tax years, prorated, to the date of possession are as follows:

<u>Assessor's Parcel Number</u>	<u>Total Unpaid Taxes, Penalties and Costs</u>
225-073-027	\$296.64

13 16. The defendant "All Persons Unknown Claiming an Interest in the Property" was
14 dismissed without prejudice from this action by plaintiff concurrently with the submission of the
15 Stipulation.

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

17 1. The total compensation, award, and damages to be paid as a result of the
18 condemnation of the interests of defendant Sandra Martillo ("Defendant") in and to Assessor's
19 Parcel Number 225-073-027 is the total sum of Two Hundred Twenty-seven Thousand Seven
20 Hundred Seventy-seven Dollars (\$227,777.00).

21 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
22 suit 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 Defendant shall be entitled by reason of the condemnation of and
26 construction activities by plaintiff on Assessor's Parcel Number 225-073-027.

27 3. The State Treasurer is authorized and directed to disburse to Defendant the sum of
28 One Hundred Ninety-five Thousand Dollars (\$195,000.00) from those funds on deposit in the



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1 Condemnation Fund in connection with the above-entitled matter. Payment of said funds shall
2 be made payable to "Raxter Law Trust Account" and forwarded to:

3 Jeremiah Raxter
4 Raxter Law
5 27851 Bradley Road, Suite 145
6 Menifee, CA 92586

7 4. The Award Balance in the amount of Thirty-two Thousand Seven Hundred
8 Seventy-seven Dollars (\$32,777.00) shall be paid by plaintiff outside these court proceedings to
9 Defendant as follows: the draft shall be made payable to "Raxter Law Trust Account" and
10 forwarded to:

11 Jeremiah Raxter
12 Raxter Law
13 27851 Bradley Road, Suite 145
14 Menifee, CA 92586

15 5. Payment to Defendant of the total Award shall constitute payment in full for the
16 real property taken and for all damages of any kind and nature whatsoever suffered by said
17 defendant by reason of such taking.

18 6. An Order of Prejudgment Possession became effective as to the interest of
19 Defendants in and to Assessor's Parcel Number 225-073-027 on August 13, 2012.

20 7. Pursuant to Revenue and Taxation Code section 5082, all current, general, and
21 special county taxes due and owing to the county of Riverside as to the property shall be
22 prorated to August 13, 2012. As of August 13, 2012, the property shall be exempt from general
23 and special county taxes and all such taxes shall be canceled after that date pursuant to Revenue
24 and Taxation Code sections 4985 et seq. and 5081 et seq.

25 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
26 CONDEMNATION:

27 The interest of defendant Sandra Martillo ("Defendant") in the real property described in
28 Exhibit "A" as to Assessor's Parcel Number 225-073-027 is hereby condemned for the public
 use and purposes described in the Complaint as construction of a grade separation (underpass)
 along Riverside Avenue from Merrill Avenue to approximately 300 feet north of Elizabeth
 Street. Plaintiff City of Riverside to take title to the interests of Defendants in said real property,



1 together with all improvements thereon in which said defendants have an interest, free and clear
2 of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

3 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
4 225-073-027 are legally described in Exhibit 'A' hereto.

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DATED: 6 NOV 12 *Dallas Holmes*
Judge of the Superior Court

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L11-0296.1



EXHIBIT A



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EXHIBIT "A"

Riverside Avenue
Grade Separation
APN: 225-073-027
Fee Simple Interest

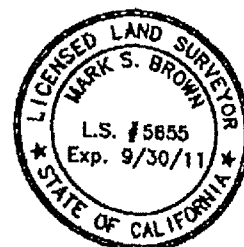
That certain real property located in the City of Riverside, County of Riverside, State of California, as described in Quitclaim Deed to Sandra Martillo, by document recorded March 29, 2004, as Document No. 217773, Official Records of said County, described as follows:

Lot 19 of Del-Ray Tract Unit No. 2, on file in Book 16 of Maps at Page 24 thereof, Records of Riverside County, California.

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. 5855
License Expires 9/30/11

9/12/08 Prep. *EV*
Date



APN 225-073-027 FULL TAKE DESC.doc



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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 November 5, 2012, I served the JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

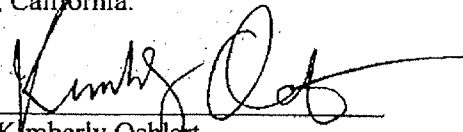
Jeremiah Raxter
Raxter Law
27851 Bradley Road, Suite 145
Menifee, CA 92586
Tel: (951) 226-5294

Attorneys for defendant:
Sandra Martillo

- (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.
- () **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c). Said document was deposited at the box regularly maintained by said express service carrier on the date set forth above.

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

Executed on November 5, 2012, at Riverside, California.


Kimberly Oehlert

