

DOC # 2013-0132784

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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# L08-0037.1



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

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**FINAL ORDER OF CONDEMNATION AS TO APN 234-140-026
CASE NO. RIC512328**

D- 16863

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."

16863

1 GREG P. PRIAMOS, City Attorney, SBN 136766
2 KRISTI J. SMITH, Supv. Deputy City Attorney,
3 SBN 120218
4 BRANDON S. MERCER, Deputy City Attorney,
5 SBN 244413
6 CITY OF RIVERSIDE
7 3900 Main Street, 5th Floor
8 Riverside, California 92501
9 Telephone: (951) 826-5567
10 Telecopier: (951) 826-5540
11 bmercer@riversideca.gov
12
13 MARK A. EASTER, Bar No. 143435
14 MONA M. NEMAT, Bar No. 234050
15 BEST BEST & KRIEGER LLP
16 3390 University Avenue, Fifth Floor
17 P.O. Box 1028
18 Riverside, California 92502
19 Telephone: (951) 686-1450
20 Facsimile: (951) 686-3083
21
22 Attorneys for Plaintiff, CITY OF RIVERSIDE
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EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE
SECTION 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MAR -7 2013
J. Castillo

MC
MAR 11 2013
CS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Plaintiff,

vs.

AAR PROPERTIES, LLC et al,

Defendants.

Case No. RIC 512328

FINAL ORDER OF CONDEMNATION
AS TO APN 234-140-026

- [Filed concurrently with:
1. Stipulation and Order For Entry of Judgment in Condemnation;
 2. Judgment in Condemnation;
 3. Application for an Order to Disburse Funds; and
 4. Order to Disburse Funds.]

Complaint filed: November 5, 2008

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FINAL ORDER OF CONDEMNATION AS TO APN 234-140-026



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LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 Final Judgment having been entered in the above-entitled action, and it appearing to the
2 satisfaction of the Court that Plaintiff City of Riverside ("City"), pursuant to said Judgment, has
3 paid to and Defendants AAR Properties, LLC; Aldo Vaccher; The Heirs and Devises of Rose
4 Vaccher; Aldo Vaccher as Trustee of the Survivor's, Administrative, and Marital Trusts Created
5 Under the Vaccher Family 1999 Administrative Trust; Robert Vaccher and Anita Husted
6 ("Defendants"), the total sum awarded by the Court as just compensation and payment for all
7 claims or demands against the City for an access denial easement interest in a portion of real
8 property located in Riverside County, described in the City's Complaint for the purpose of
9 widening and improving Van Buren Boulevard and the bridge structure at the interchange with
10 State Route 91, in Riverside County, California ("Project"), identified as Assessor Parcel Number
11 234-140-026 ("Subject Property") and attached hereto as Exhibit "A".
12

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Subject Property
14 and related interest described in Exhibit "A" attached hereto shall be condemned to the City as
15 against Defendants as follows: An access denial easement interest in a portion of real property
16 identified as Assessor Parcel Number 234-140-026.
17

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Subject Property is
19 condemned for the use and purpose described as the widening and improving of Van Buren
20 Boulevard and the bridge structure at the interchange with State Route 91, in Riverside County,
21 California and for such other uses as are permitted by Article I, section 19 of the California
22 Constitution, sections 37350.5, 39792, and 40404 of the California Government Code, and
23 section 1240.010 of the California Code of Civil Procedure, which is a public use authorized by
24 law, and the taking of said Subject Property is necessary for said use and purpose.
25

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all liens, charges,
27 conditions and restrictions upon the Property being condemned, including all real property taxes,
28

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FINAL ORDER OF CONDEMNATION AS TO APN 234-140-026



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assessments, penalties and costs, are hereby ordered canceled from and after March 25, 2009, the date the City was entitled to and did take possession of the Subject Property.

DATED: 3/4/13

Gloria Connor Trask
JUDGE OF THE SUPERIOR COURT

Gloria Connor Trask

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502



EXHIBIT "A"



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Van Buren SR91 Interchange Improvements
REAL PROPERTY INTERESTS

A – Fee Simple Absolute – (Grant Deed)

Fee simple absolute interest.

A - Fee Simple Interest – (Grant Deed)

Fee simple interest.

B – Temporary Construction Easement - (Temporary Construction Easement)

A temporary easement and right-of-way for the purpose of installing public improvements. Such use may include, but is not limited to ingress and egress of persons and vehicles, grading of slopes, the deposit of tools, equipment, machinery, and materials used in the performance of the construction, and for similar purposes.

Upon completion of construction, Grantee promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. Grantee further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation, to its original condition prior to entry. This easement shall terminate upon completion of the public improvements and acceptance by City of the construction of the improvements on the affected real property.

C – Access Denial - (Access Denial to Freeway)

For freeway purposes, lands abutting said freeway shall have no right or easement of access thereto.

C – Access Denial - (Access Denial to Public Street)

The extinguishment of certain access rights to and from private lands to a public street as so defined.

D – Wall Tie-Back Easement - (Wall Tie-Back Facilities and Incidents Easement)

An easement upon, over and across grantor's property for wall tie-back purposes and incidents thereto.

F – Access Easement - (Ingress/Egress Easement)

An easement upon, over and across grantor's property for ingress and egress purposes to provide vehicular and pedestrian access to a public street.



PARCEL 17
State Parcel No. 20897
Van Buren SR-91
A.P.N. 234-140-026

Parcel 17 C - Access Denial

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

Parcel 20897: For freeway purposes, the extinguishment of all easements of access in and to Indiana Avenue, appurtenant to the following described property, over and across that portion of the northwesterly line of said Indiana Avenue described as follows:

That portion of Lot 29 in Block 26 of the Village of Arlington, as shown by map on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the most easterly corner of the southwesterly 45.719 meters (150.00 feet) of said Lot 29; said most easterly corner also being in said northwesterly line of Indiana Avenue and in the southeasterly line of said Lot 29;

THENCE along the southeasterly line of said Lot 29, North 56°22'53" East, a distance of 128.131 meters (420.38 feet) to the southwesterly line of that certain parcel of land described in Grant Deed to the State of California by document recorded February 2, 1996, as Instrument No. 040851 of Official Records of Riverside County, California, and the POINT OF BEGINNING of said portion of the northwesterly line of Indiana Avenue being described;

THENCE reversing direction along said southeasterly line of Lot 29, South 56°22'53" West, a distance of 9.964 meters (32.69 feet) to the END of this line description.

Access Denial Line Length - 9.964 meters (32.69 feet).

The said property to which said easement of access is appurtenant is described as follows:

That portion of Lot 29 in Block 26 of the Village of Arlington, in the City of Riverside, County of Riverside, State of California, as shown on map recorded in Book 1, Page 62, of Maps, records of San Bernardino County, together with that portion of Canal Avenue as shown on said map (said portion of Canal Avenue having been duly vacated by the Riverside Land and Irrigating Company by Instrument dated July 1, 1882, and recorded



December 15, 1886 in Book 50, Page 591, of Deeds, records of San Bernardino County) and that portion of lower Canal Avenue, described as a whole as follows:

BEGINNING at the most easterly corner of the southwesterly 45.719 meters (150.00 feet) of said Lot 29;

THENCE along the northeasterly line of said southwesterly 45.719 meters (150.00 feet), North 33°38' 01" West, 37.077 meters (121.64 feet);

THENCE North 60°03'27" East, 155.524 meters (510.25 feet), to the beginning of a tangent curve concave northwesterly and having a radius of 1523.952 meters (4999.83 feet);

Thence northeasterly along said curve, through an angle of 1°38'40", an arc distance of 43.743 meters (143.51 feet) to the centerline of said lower canal of the Riverside Water Company;

THENCE along said centerline, South 39°07'31" East, 25.044 meters (82.16 feet), to the northeasterly prolongation of the southeasterly line of said Lot 29;

THENCE along said prolongation and said southeasterly line, South 56°22'53" West, 201.284 meters (660.38 feet), to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion of Lot 29 in Block 26 and that portion of Canal Avenue (vacated), both of the Village of Arlington, per map recorded in Book 1, Page 62 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the most easterly corner of the southwesterly 45.719 meters (150.00 feet) of said Lot 29;

THENCE North 33°38'01" West, along the northeasterly line of said southwesterly 45.719 meters (150.00 feet), a distance of 37.077 meters (121.64 feet);

THENCE North 60°03'27" East, 95.594 meters (303.78 feet) to the TRUE POINT OF BEGINNING;

THENCE continuing North 60°03'27" East, 62.930 meters (206.46 feet) to the beginning of a tangent curve concave northerly and having a radius of 1523.952 meters (4999.83 feet);

THENCE northeasterly, along said curve, through a central angle of 01°38'40", an arc length of 43.743 meters (143.51 feet) to the northeasterly line of said Canal Avenue (vacated); said line also being the southwesterly line of Parcel 1 of Record of Survey on file in Book 48 of Record of Surveys at Page 83 thereof, records of Riverside County, California;

THENCE South 39°07'31" East, along last said northeasterly line, 25.044 meters



(82.16 feet) to a point in the northeasterly prolongation of the southeasterly line of said Lot 29;

THENCE South $56^{\circ}22'53''$ West, along said prolongation and along said southeasterly line, 73.153 meters (240.00 feet);

THENCE North $33^{\circ}36'59''$ West, 7.657 meters (25.12 feet);


THENCE South $89^{\circ}41'27''$ West, 42.763 (140.30 feet) to said TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all minerals, oils gases and other hydrocarbon substances by whatever name known, without the right to drill, dig or mine the surface thereof.

A.P.N. 234-140-026-6

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Multiply all distances shown by 1.000033361 to obtain ground level distances.

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 9/30/09


Date

Prep. 

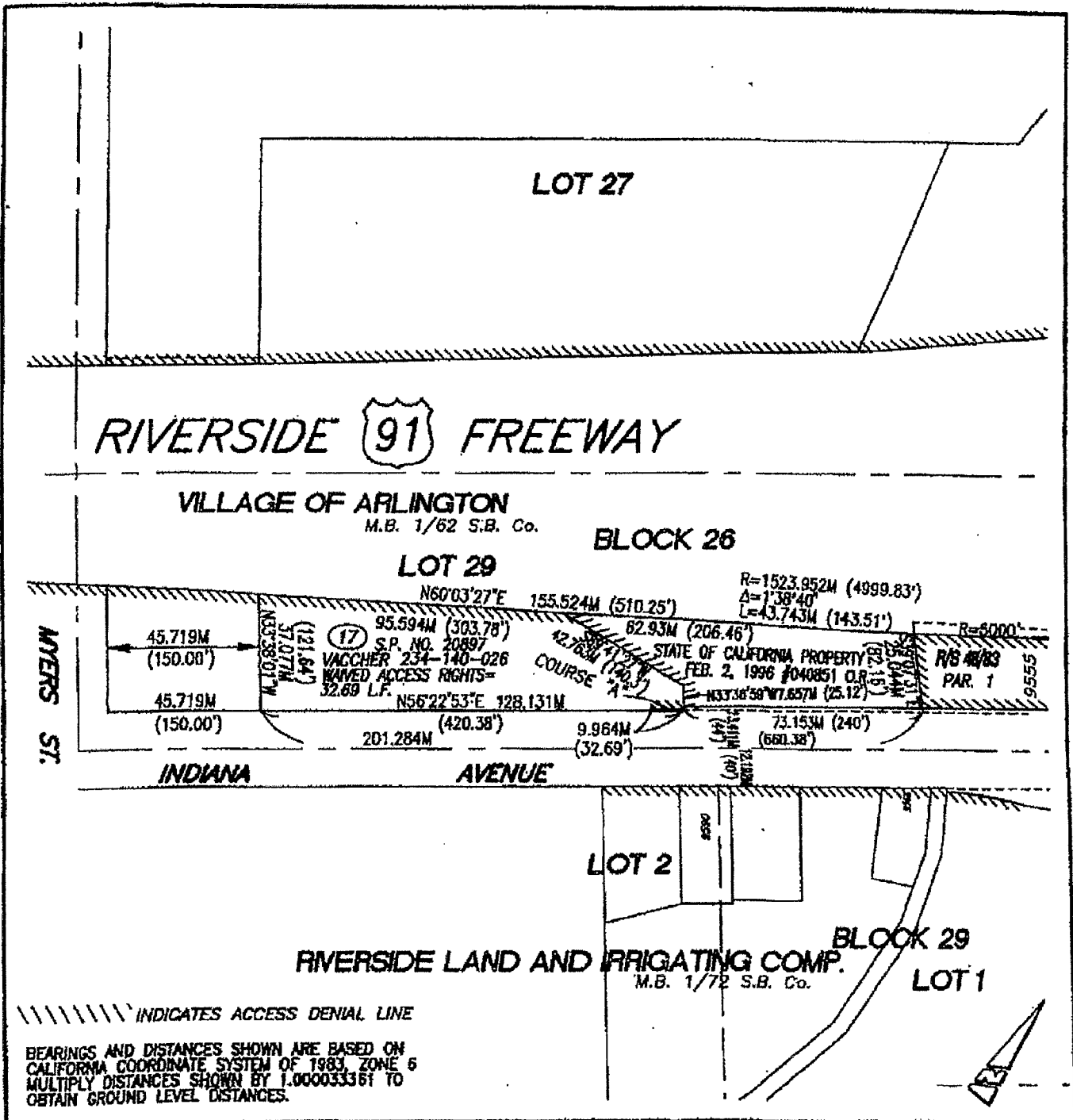


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• CITY OF RIVERSIDE, CALIFORNIA •

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: N.T.S.	DRAWN BY: Kgs DATE: 5/20/08	SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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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 March 4, 2013, I served the within FINAL ORDER OF CONDEMNATION AS TO APN 234-140-026 on the interested parties in said action addressed as follows:

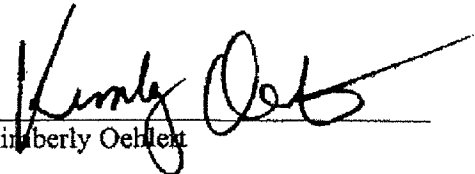
David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th Street, Ste. 214
Riverside, CA 92501
Fax: 951.788.9040
Ph: 951.686.2660
hubbardlawfirm@gmail.com

*Attorney for AAR Properties, LLC;
Aldo Vaccher; The Heirs and Devises of
Rose Vaccher' Aldo Vaccher, as Trustee
of the Survivor's, Administrative, and
Marital Trusts, Created Under the
Vaccher Family 1999 Administrative
Trust, Robert Vaccher and Anita Husted*

(X) 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 pursuant to C.C.P § 1013(a).

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

Executed on March 4, 2013, at Riverside, California.



Kimberly Oebler

