

DOC # 2013-0132785

03/19/2013 03:49P Fee:NC

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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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Space above this line reserved for Recorder's use.



**FINAL ORDER OF CONDEMNATION AS TO APN 234-150-048
CASE NO. RIC512328**

D- 16864

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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Riverside, California 92502
10 Telephone: (951) 686-1450
Facsimile: (951) 686-3083

11 Attorneys for Plaintiff, CITY OF RIVERSIDE
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF RIVERSIDE

15
16 CITY OF RIVERSIDE, a California charter
city and municipal corporation,

17 Plaintiff,

18 vs.

19 AAR PROPERTIES, LLC et al,

20 Defendants.
21
22
23
24

Case No. RIC 512328

FINAL ORDER OF CONDEMNATION
AS TO APN 234-150-048

[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

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

R

21501.00020\7535186.2

FINAL ORDER OF CONDEMNATION AS TO APN 234-150-048



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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 the fee absolute, access denial and temporary construction
8 easement interests in portions of real property located in Riverside County, described in the City's
9 Complaint for the purpose of widening and improving Van Buren Boulevard and the bridge
10 structure at the interchange with State Route 91, in Riverside County, California ("Project"),
11 identified as Assessor Parcel Number 234-150-048 ("Subject Property"), and attached hereto as
12 Exhibit "A".

13
14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Subject Properties
15 are condemned for the Subject Property and related interests described in Exhibit "A" attached
16 hereto shall be condemned to the City as against Defendants as follows: Fee simple absolute,
17 access denial and temporary construction easement interests in portions of the real property
18 identified as Assessor Parcel Number 234-150-048.

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

27
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21501.00020\7535186.2

FINAL ORDER OF CONDEMNATION AS TO APN 234-150-048



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

DATED: 3/6/13


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 08
State Parcel No. 20895 - KP 22.80
Van Buren SR-91
A.P.N. 234-150-048

Parcel 08 A - Fee Simple Absolute

Parcel 20895: For freeway purposes, that certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Lot 28 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 intersection of the centerline of Van Buren Boulevard with the centerline of Indiana Avenue;

THENCE along said centerline of Van Buren Boulevard, North $33^{\circ}38'07''$ West, 195.401 meters (641.08 feet) to the northeasterly prolongation of the northwesterly line of Parcel 2 of those certain parcels of land described in City of Riverside Certificate of Compliance recorded June 22, 1999, per Document No. 1999-274754 of Official Records of Riverside County, California;

THENCE along said northeasterly prolongation of the northwesterly line of Parcel 2 and along said northwesterly line, South $56^{\circ}21'53''$ West, a distance of 18.287 meters (60.00 feet) to an intersection with a line that is parallel with and distant 18.287 meters (60.00 feet) southwesterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE along said parallel line, South $33^{\circ}38'07''$ West, a distance of 56.203 meters (184.39 feet) to the northwesterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 5 of 23 Sheets on file with the County Surveyor of Riverside County, California, and the POINT OF BEGINNING of the parcel of land being described;

THENCE reversing direction along said parallel line, North $33^{\circ}38'07''$ West, 2.801 meters (9.19 feet);

THENCE South $8^{\circ}44'30''$ West, a distance of 4.054 meters (13.30 feet) to said northwesterly line of State Highway Route 91;



THENCE along said northwesterly line, North $54^{\circ}39'48''$ East, a distance of 1.435 meters (4.71 feet) to the beginning of a tangent curve concaving northwesterly and having a radius of 7.620 meters (25.00 feet);


THENCE continuing along said northwesterly line and along said curve to the left through a central angle of $9^{\circ}50'08''$ an arc length of 1.308 meters (4.29 feet) to the POINT OF BEGINNING.

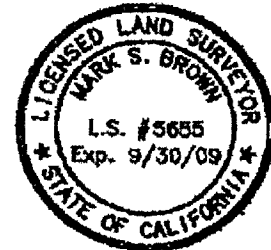
Lands abutting said freeway shall have no right or easement of access thereto.

Area - 3.932 square meters (42.3 square feet).

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.

 5/29/09 Date
Mark S. Brown, L.S. 5655 Prep. Kep
License Expires 9/30/09

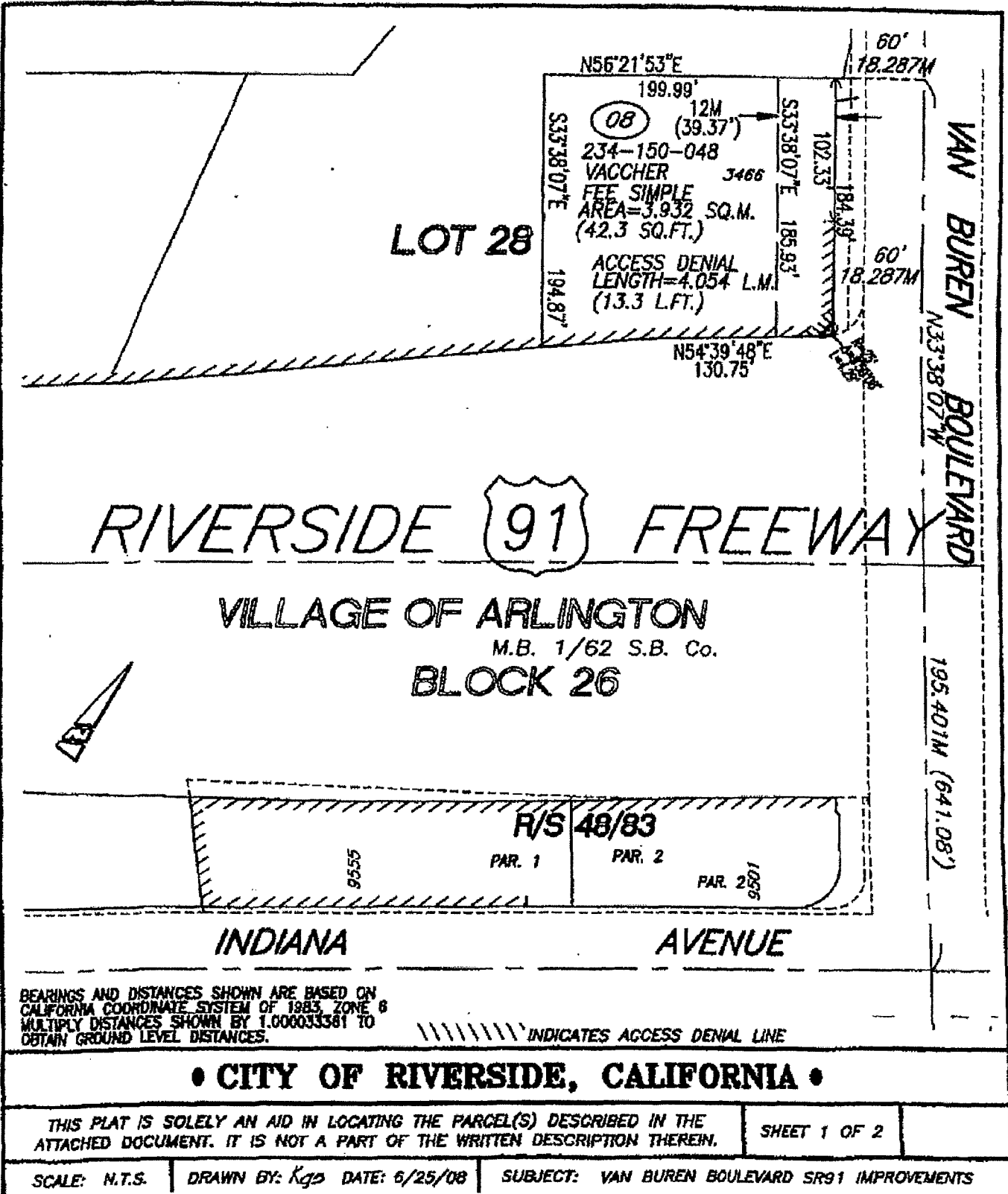


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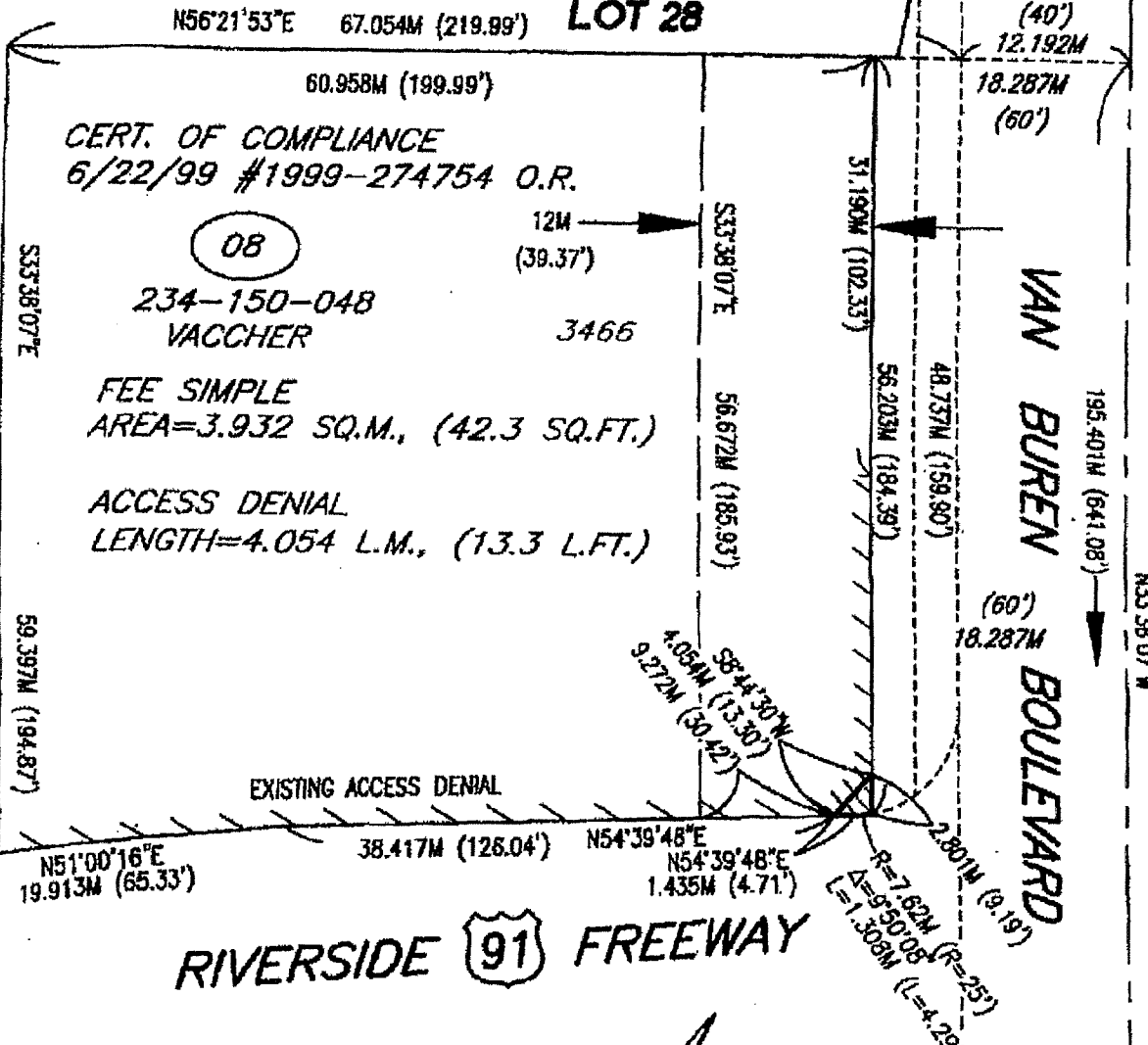
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VILLAGE OF ARLINGTON

M.B. 1/62 S.B. Co.

BLOCK 26

LOT 28



CERT. OF COMPLIANCE
 6/22/99 #1999-274754 O.R.
 (08)
 234-150-048
 VACCHER 3466
 FEE SIMPLE
 AREA=3.932 SQ.M., (42.3 SQ.FT.)
 ACCESS DENIAL
 LENGTH=4.054 L.M., (13.3 L.F.T.)

EXISTING ACCESS DENIAL

RIVERSIDE 91 FREEWAY

VAN BUREN BOULEVARD

////// INDICATES ACCESS DENIAL LINE
 BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 8
 MULTIPLY DISTANCES SHOWN BY 1.000033361 TO OBTAIN GROUND LEVEL DISTANCES.

• 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 2 OF 2

SCALE: N.T.S.

DRAWN BY: Kgs DATE: 6/24/08

SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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PARCEL 08
State Parcel No. 20895 - KP 22.80
Van Buren SR-91
A.P.N. 234-150-048

Parcel 08 B - Temporary Construction Easement

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

That portion of Lot 28 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 intersection of the centerline of Van Buren Boulevard with the centerline of Indiana Avenue;

THENCE along said centerline of Van Buren Boulevard, North $33^{\circ}38'07''$ West, 195.401 meters (641.08 feet) to the northeasterly prolongation of the northwesterly line of Parcel 2 of those certain parcels of land described in City of Riverside Certificate of Compliance recorded June 22, 1999, per Document No. 1999-274754 of Official Records of Riverside County, California;

THENCE along said northeasterly prolongation of the northwesterly line of Parcel 2 and along said northwesterly line, South $56^{\circ}21'53''$ West, a distance of 18.287 meters (60.00 feet) to an intersection with a line that is parallel with and distant 18.287 meters (60.00 feet) southwesterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE along said parallel line, South $33^{\circ}38'07''$ West, a distance of 56.203 meters (184.39 feet) to the northwesterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 5 of 23 Sheets on file with the County Surveyor of Riverside County, California;

THENCE reversing direction along said parallel line, North $33^{\circ}38'07''$ West, 2.801 meters (9.19 feet) to the POINT OF BEGINNING of the parcel of land being described;

THENCE continuing along said parallel line, North $33^{\circ}38'07''$ West, a distance of 53.402 meters (175.20 feet) to said northwesterly line of Parcel 2;

THENCE along said northwesterly line of Parcel 2, South $56^{\circ}21'53''$ West, a distance of 12.000 meters (39.37 feet) to a line that is parallel with and distant 30.288 meters



(99.37 feet) southwesterly, as measured at right angles, from said centerline of Van Buren Boulevard;

THENCE along said last mentioned parallel line, South $33^{\circ}38'07''$ East, a distance of 56.672 meters (185.93 feet) to said northwesterly line of State Highway Route 91;

THENCE along said northwesterly line of State Highway Route 91, North $54^{\circ}39'48''$ East, a distance of 9.272 meters (30.42 feet);

THENCE North $8^{\circ}44'30''$ East, a distance of 4.054 meters (13.30 feet) to the POINT OF BEGINNING.

Area - 673.940 square meters (7254.2 square feet).

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

 Prep. 
Date 

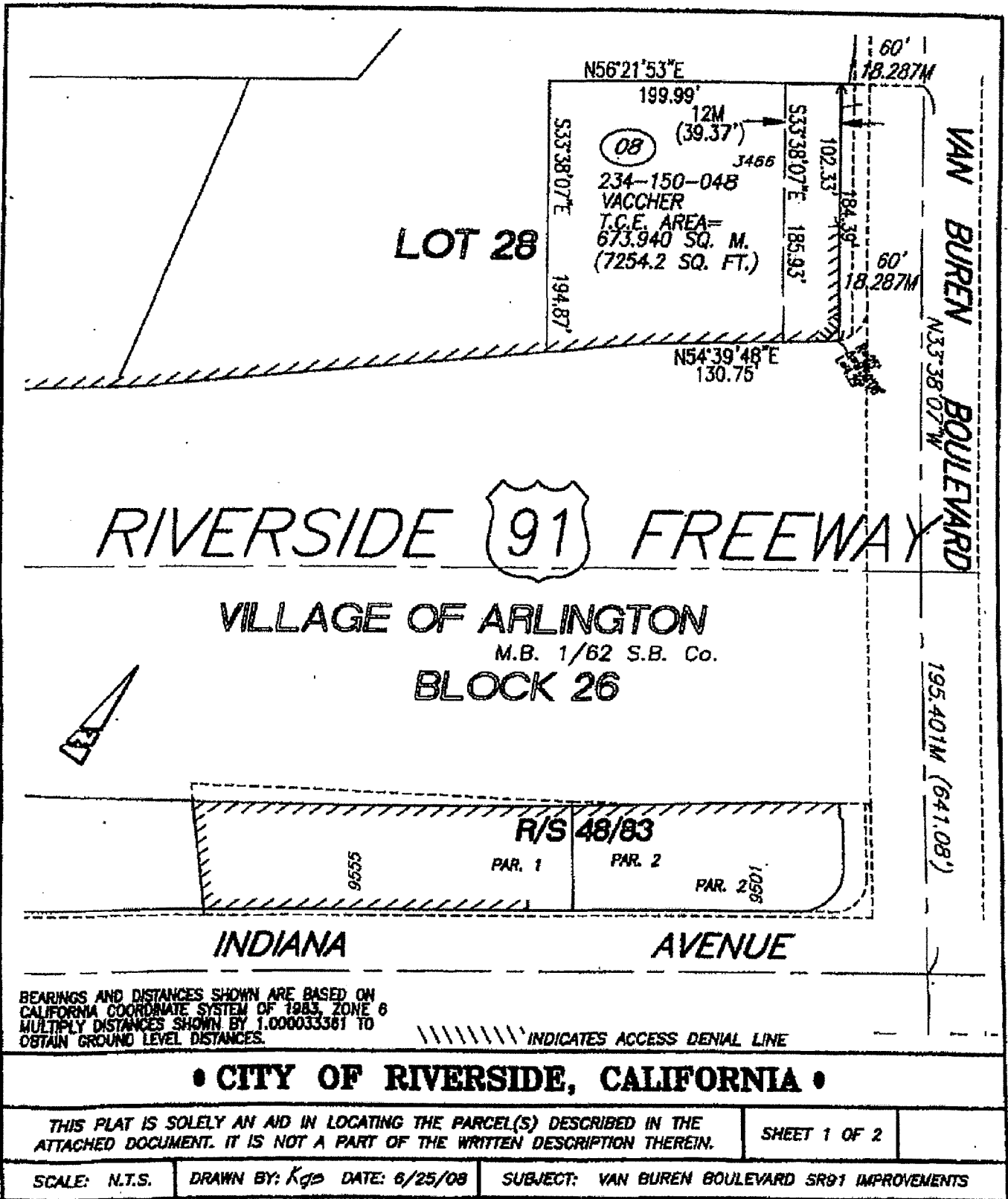


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VILLAGE OF ARLINGTON

M.B. 1/62 S.B. Co.

BLOCK 26

LOT 28

N56°21'53"E 67.054M (219.99')

60.958M (199.99')

CERT. OF COMPLIANCE
6/22/99 #1999-274754 O.R.

08

234-150-048
VACCHER

12M (39.37')
3466

T.C.E. AREA=
673.940 SQ.M., (7254.2 SQ.FT.)

S33°38'07"E

S9°39'7"W (194.87')

S33°38'07"E

S6°6'22"W (166.93')

S1°19'04"W (102.33')

S6°20'31"W (184.39')

S48°7'31"W (159.90')

(40')
12.192M
18.287M (60')

VAN BUREN BOULEVARD

S195°40'11"W (641.08')

S1°33'38'07"W

(60')
18.287M

EXISTING ACCESS DENIAL

N51°00'16"E
19.913M (65.33')

38.417M (126.04')

N54°39'48"E
1.435M (4.71')

RIVERSIDE 91 FREEWAY

R=7.62M (R=25')
L=9.5008 (L=4.29')

////// INDICATES ACCESS DENIAL LINE
BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6
MULTIPLY DISTANCES SHOWN BY 1.000033361 TO OBTAIN GROUND LEVEL DISTANCES.



• 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 2 OF 2

SCALE: N.T.S.

DRAWN BY: Kgs DATE: 6/25/08

SUBJECT: VAN BUREN BOULEVARD SR91 IMPROVEMENTS



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PARCEL 08

State Parcel No. 20895 - KP 22.80
Van Buren SR-91
A.F.N. 234-150-048

Parcel 08 C - Access Denial

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

Parcel 20895: For freeway purposes, the extinguishment of all easements of access in and to Van Buren Boulevard, appurtenant to the following described property, over and across that portion of the southwesterly line of said Van Buren Boulevard described as follows:

That portion of Lot 28 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 intersection of the centerline of Van Buren Boulevard with the centerline of Indiana Avenue;

THENCE along said centerline of Van Buren Boulevard, North $33^{\circ}38'07''$ West, 195.401 meters (641.08 feet) to the northeasterly prolongation of the northwesterly line of Parcel 2 of those certain parcels of land described in City of Riverside Certificate of Compliance recorded June 22, 1999, per Document No. 1999-274754 of Official Records of Riverside County, California;

THENCE along said northeasterly prolongation of the northwesterly line of Parcel 2 and along said northwesterly line, South $56^{\circ}21'53''$ West, a distance of 18.287 meters (60.00 feet) to an intersection with a line that is parallel with and distant 18.287 meters (60.00 feet) southwesterly, as measured at right angles, from said centerline of Van Buren Boulevard; said parallel line also being in the southwesterly line of Van Buren Boulevard;

THENCE along said parallel line, South $33^{\circ}38'07''$ West, a distance of 56.203 meters (184.39 feet) to the northwesterly line of State Highway Route 91, as shown by State Highway Right-Of-Way Map VIII RIV 43 RIV Sheet 5 of 23 Sheets on file with the County Surveyor of Riverside County, California;

THENCE reversing direction along said parallel line, North $33^{\circ}38'07''$ West, 2.801 meters (9.19 feet) to the POINT OF BEGINNING of said portion of the southwesterly line of Van Buren Boulevard being described;



THENCE continuing along said parallel line and along said southwesterly line of Van Buren Boulevard, North $33^{\circ}38'07''$ West, a distance of 22.212 meters (72.87 feet) to the END of this line description.

Access Denial Line Length – 22.212 meters (72.87 feet).

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

Real property in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Lot 28 in Block 26 of the Village of Arlington, in the City of Riverside, County of Riverside, State of California, as shown on a map recorded in Book 1, Page 62 of Maps, in the office of the County Recorder of said County, more particularly described as follows:

Beginning at a point in the centerline of Van Buren Boulevard distant thereon North $33^{\circ}38'07''$ West along said centerline 195.401 meters (641.08 feet) from its intersection with the centerline of Indiana Avenue;

THENCE South $56^{\circ}21'53''$ West 12.192 meters (40.00 feet) to a point in the southwesterly line of Van Buren Boulevard as shown on said map of Village of Arlington, last said point being the TRUE POINT OF BEGINNING;

THENCE continuing South $56^{\circ}21'53''$ West a distance of 67.054 meters (219.99 feet);

THENCE South $33^{\circ}38'07''$ East parallel with said centerline of Van Buren Boulevard 59.397 meters (194.87 feet) to a point in the northwesterly line of the land conveyed to the State Of California by deed recorded October 2, 1956 as Instrument No. 67997 of Official Records, records of said County;

THENCE North $51^{\circ}00'16''$ East along said northwesterly line 19.913 meters (65.33 feet) to an angle point therein;

THENCE North $54^{\circ}39'48''$ East continuing along said northwesterly line 39.852 meters (130.75 feet) to the beginning of a tangent curve concave westerly and having a radius of 7.620 meters (25.00 feet);

THENCE northeasterly, northerly, and northwesterly along said curve through a central angle of $88^{\circ}17'55''$ a distance of 11.743 meters (38.53 feet) to a point of tangency in said northwesterly line of Van Buren Boulevard;

THENCE North $33^{\circ}38'07''$ West along said northwesterly line 48.737 meters (159.90 feet) to the TRUE POINT OF BEGINNING;




EXCEPTING THEREFROM those portions dedicated for street purposes to the City Of Riverside by document recorded November 6, 1959 in Book 2577, Page 182, by documents recorded February 8, 1985 as Instrument Nos. 27314 and 27315, and by document recorded August 13, 1999, per Document No. 1999-365480 of Official Records of said Riverside County.

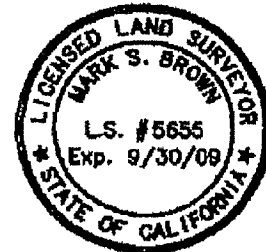
This legal is made pursuant to that certain certificate approving a Lot Line Adjustment Certificate No. LL-037-989, dated June 9, 1999, recorded June 22, 1999, Instrument No. 274754, Official Records.

APN: 234-150-048

The bearings and distances used in the above descriptions 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 Date 5/29/09 Prep. Koz
License Expires 9/30/09

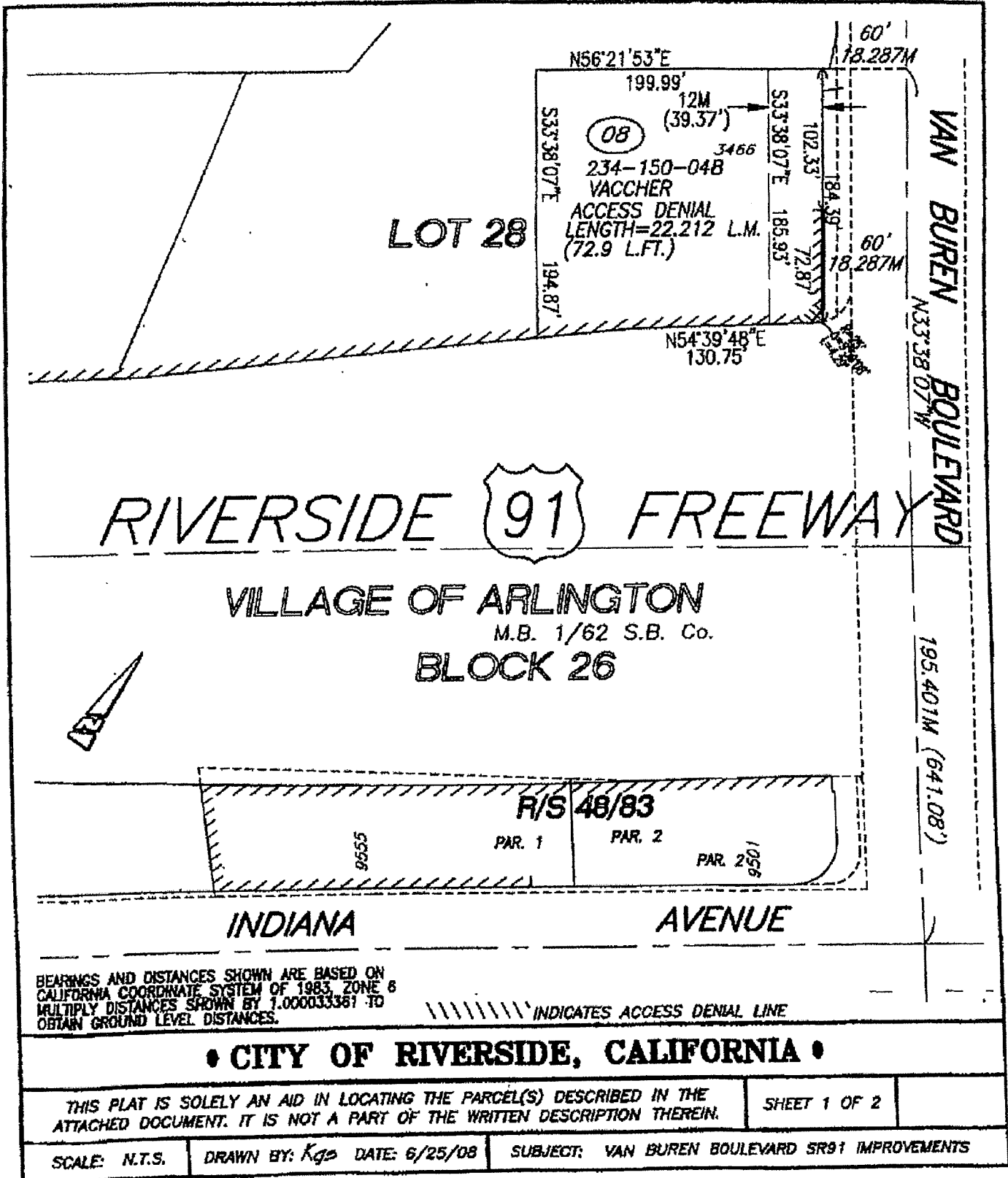


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VILLAGE OF ARLINGTON

M.B. 1/62 S.B. Co.

**BLOCK 26
LOT 28**

N56°21'53"E 67.054M (219.99')

60.958M (199.99')

CERT. OF COMPLIANCE
6/22/99 #1999-274754 O.R.

08

234-150-048
VACCHER

12M
(39.37')

3466

ACCESS DENIAL
LENGTH=22.212 L.M., (72.9 L.F.)

S33°38'07"E

59.397M (194.87')

N51°00'18"E
19.913M (65.33')

EXISTING ACCESS DENIAL

38.417M (126.04')

RIVERSIDE 91 FREEWAY

N54°39'48"E
1.435M (4.71')

S8°44'30"W
4.054M (13.30')

S8°44'30"W
9.272M (30.42')

COURSE "A"

31.190M (102.33')

56.203M (184.39')

22.212M (72.87')

R=7.62M (R=25)
Δ=9°30'08"
L=1.308M (L=4.29')

VAN BUREN BOULEVARD

195.401M (641.08')

N33°38'07"W

(40')
12.192M
18.287M
(60')

(60')
18.287M

////// INDICATES ACCESS DENIAL LINE
BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6
MULTIPLY DISTANCES SHOWN BY 1.000033381 TO OBTAIN GROUND LEVEL DISTANCES.

• 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 2 OF 2

SCALE: N.T.S.

DRAWN BY: Kgs DATE: 6/25/08

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 APNS 234-150-048 on the interested parties in said action addressed as follows:

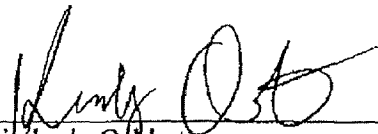
David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th Street, Ste. 214
Riverside, CA 92501
Fax: 951.788.9040
Ph: 951.686.2660
hubbardlawfirm@gmail.com

*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 Ochler

