

DOC # 2013-0132787

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Page 1 of 14

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 APNS 234-140-019 AND 234-150-046
CASE NO. RIC512328**

D- 16865

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."

16865

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12 Riverside, California 92502
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Attorneys for Plaintiff, CITY OF RIVERSIDE

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 APNS 234-140-019 AND 234-150-046

- [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 APNS 234-140-019 AND 234-150-046

EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE
SECTION 6103

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

MAR 11 2013



2013-0132787
03/19/2013 03:48P
2 of 14

16865

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 temporary construction easement interests in portions of
8 real 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
11 Numbers 234-140-019 and 234-150-046 ("Subject Properties") and attached hereto as Exhibit
12 "A".
13

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Subject Properties
15 and related interests described in Exhibit "A" attached hereto shall be condemned to the City as
16 against Defendants as follows:

- 17 a. A temporary construction easement interest in a portion of the real property
18 identified as Assessor Parcel Number 234-140-019; and
19 b. A temporary construction easement interest in a portion of the real property
20 identified as Assessor Parcel Number 234-150-046.
21

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Subject Properties
23 are condemned for the use and purpose described as the widening and improving of Van Buren
24 Boulevard and the bridge structure at the interchange with State Route 91, in Riverside County,
25 California and for such other uses as are permitted by Article I, section 19 of the California
26 Constitution, sections 37350.5, 39792, and 40404 of the California Government Code, and
27
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FINAL ORDER OF CONDEMNATION AS TO APNS 234-140-019 AND 234-150-046



2013-0132787
03/19/2013 03:49P
3 of 14

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section 1240.010 of the California Code of Civil Procedure, which is a public use authorized by law, and the taking of said Subject Properties is necessary for said use and purpose.

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: 3/7/13

Gloria C. 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"



2013-0132787
03/19/2013 03:49P
5 of 14

16865

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 07
State Parcel No. 20894 - KP 22.61
Van Buren SR-91
A.P.N. 234-140-019

Parcel 07 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 27 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 easterly boundary and the southeasterly boundary of Arlington Manor, as shown by map on file in Book 25, Pages 59 and 60 of Maps, records of Riverside County, California; said intersection being an angle point in the easterly line of Lot 18 of said Arlington Manor distant thereon 13.408 meters (43.99 feet) northeasterly from the most easterly corner of Lot 19 of said Arlington Manor, as shown on said last mentioned map;

THENCE along the southeasterly line of said Lots 18 and 19, South $56^{\circ}17'31''$ West, a distance of 21.973 meters (72.09 feet) to an intersection with the westerly line of said Canal Avenue (vacated);

THENCE along said westerly line, South $11^{\circ}22'29''$ East, a distance of 72.929 meters (239.27 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 along said northwesterly line, South $54^{\circ}54'20''$ West, a distance of 182.552 meters (598.92 feet) to the northeasterly line of the southwesterly 45.719 meters (149.99 feet) of said Lot 27;

THENCE along said northeasterly line of the southwesterly 45.719 meters (149.99 feet) of Lot 27, North $33^{\circ}38'01''$ West, a distance of 0.278 of a meter (0.91 of a foot);

THENCE North $49^{\circ}35'31''$ East, a distance of 89.316 meters (293.03 feet);

THENCE North $56^{\circ}22'11''$ East, a distance of 65.244 meters (214.06 feet);




THENCE North 52°09'36" East, a distance of 32.127 meters (105.40 feet) to said westerly line of Canal Avenue (vacated);

THENCE along said westerly line, South 11°22'29" East, a distance of 9.199 meters (30.18 feet) to the POINT OF BEGINNING.

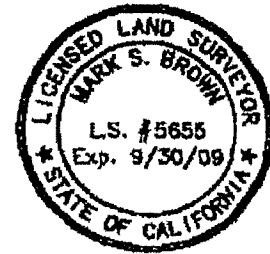
Area - 1125.775 square meters (12117.7 square feet).

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

5/29/08 Date Prep. Kop



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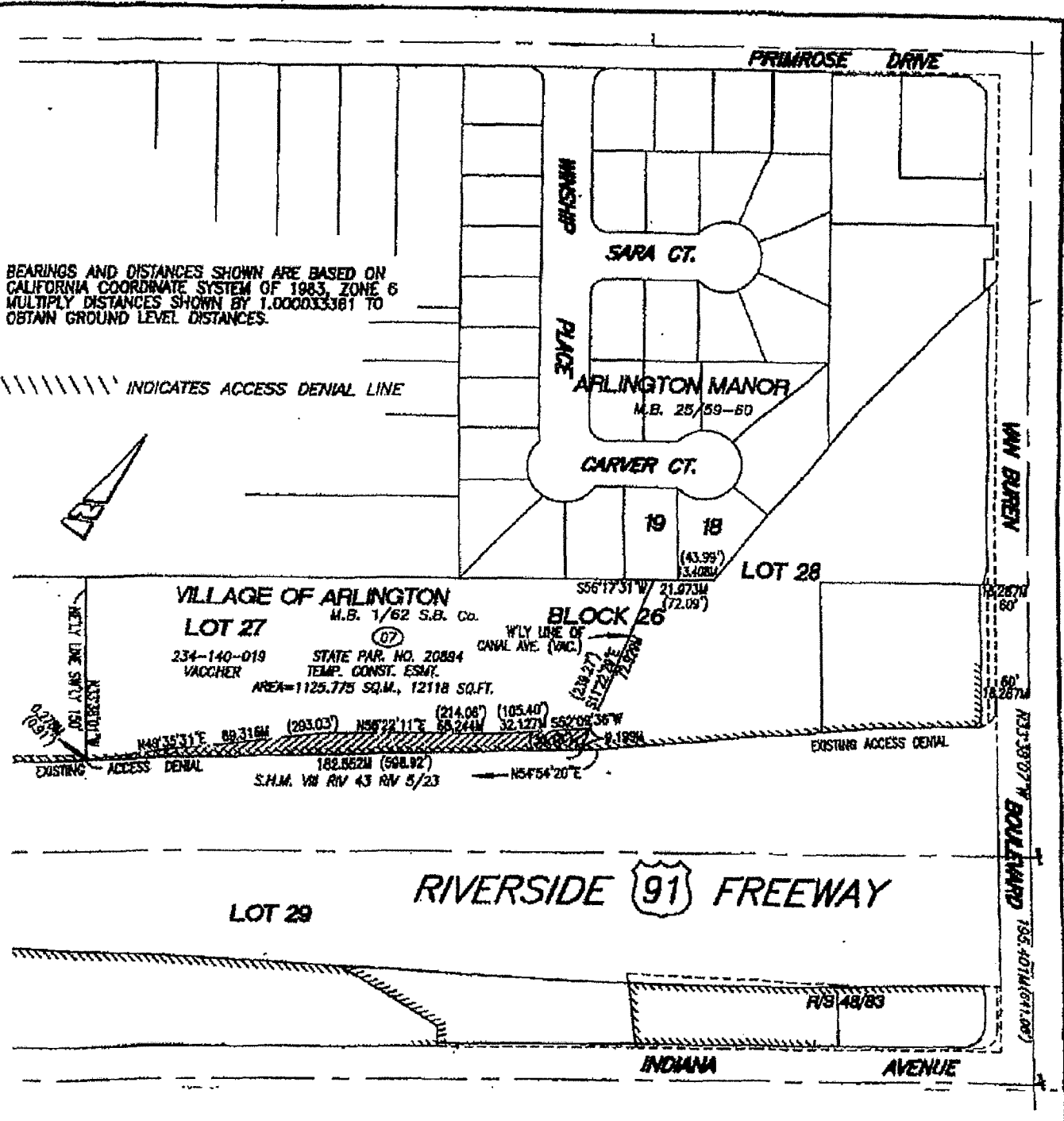


2013-0132787
03/19/2013 09:49P
8 of 14

16865

BEARINGS AND DISTANCES SHOWN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.00003381 TO OBTAIN GROUND LEVEL DISTANCES.

////// INDICATES ACCESS DENIAL LINE



• 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



2013-0132787
03/19/2013 02:48P
9 of 14

16865

PARCEL 06
State Parcel No. 20893 - KP 22.76
Van Buren SR-91
A.P.N. 234-150-046

Parcel 06 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 and Canal Avenue (vacated) all 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 easterly boundary and the southeasterly boundary of Arlington Manor, as shown by map on file in Book 25, Pages 59 and 60 of Maps, records of Riverside County, California; said intersection being an angle point in the easterly line of Lot 18 of said Arlington Manor distant thereon 13.408 meters (43.99 feet) northeasterly from the most easterly corner of Lot 19 of said Arlington Manor, as shown on said last mentioned map;

THENCE along the southeasterly line of said Lots 18 and 19, South 56°17'31" West, a distance of 21.973 meters (72.09 feet) to an intersection with the westerly line of said Canal Avenue (vacated);

THENCE along said westerly line, South 11°22'29" East, a distance of 72.929 meters (239.27 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 along said northwesterly line, North 54°54'20" East, a distance of 5.709 meters (18.73 feet) to an angle point in said northwesterly line;

THENCE continuing along said northwesterly line, a distance of 51°00'16" East, a distance of 78.428 meters (257.31 feet);

THENCE North 33°37'49" West, a distance of 1.761 meters (5.78 feet);

THENCE South 56°22'11" West, a distance of 70.437 meters (231.09 feet);




THENCE South 52°09'36" West, a distance of 9.897 meters (32.47 feet) to said westerly line of Canal Avenue (vacated);

THENCE along said westerly line, South 11°22'29" East, a distance of 9.199 meters (30.18 feet) to the POINT OF BEGINNING.

Area -- 455.163 square meters (4899.3 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.

 5/29/08 Date Prep. kgp
Mark S. Brown, L.S. 5855
License Expires 9/30/09

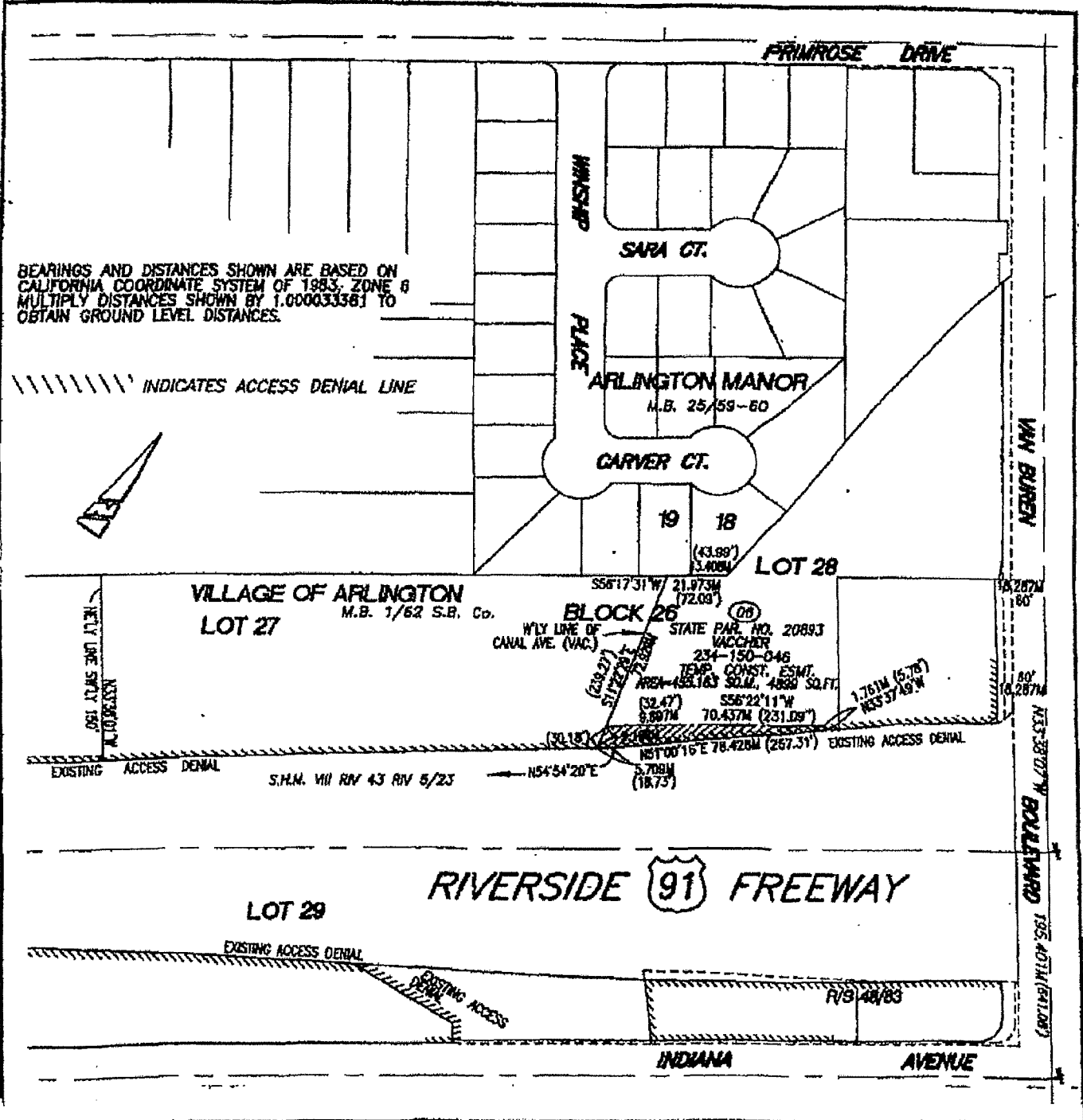


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2013-0132787
03/19/2013 03:49P
11 of 14

16865



• 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



2013-0132787
03/19/2013 03:48P
12 of 14

16865

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 234-140-019 AND 234-150-046 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 Oehlert

