

DOC # 2013-0251640

05/28/2013 03:29P Fee:NC

Page 1 of 16

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# L09-0233.1



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			16						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHGCC						T:	CTY	UNI	524

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

Space above this line reserved for Recorder's use.



JUDGMENT AND FINAL ORDER OF CONDEMNATION
RE APNS 146-162-020, -039, -019, -018, AND -038
CASE NO. RIC542539



D - 16890

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."

16890

MAY 03 2013

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

6 MARK A. EASTER, Esq., SBN 143435
BEST BEST & KRIEGER LLP
7 3390 University Avenue, 5th Floor
Riverside, California 92501
8 Telephone (951) 686-1450
Facsimile (951) 686-3083
9 mark.easter@bbkllaw.com

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 20 2013

Collard

ELO

MAY 20 2013
R

10 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF RIVERSIDE

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

16 Plaintiff,

17 vs.

18 MANUEL R. ARTEAGA JR, etc.; et al.

19 Defendants.

) Case No. RIC542539
) ASSIGNED TO DEPT. 6

) **JUDGMENT AND FINAL ORDER OF**
) **CONDEMNATION**

) APNs 146-162-020
) 146-162-039
) 146-162-019
) 146-162-018
) 146-162-038

[Application for Entry of Judgment and Final
Order of Condemnation submitted
concurrently herewith]

24 This Judgment and Final Order of Condemnation is hereby made following disposition
25 through the court proceedings described below of all parties and property interests alleged in the
26 Complaint in Eminent Domain.

27 ///

28 ///

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



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

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: the realignment of La Sierra Avenue, Hole Avenue, and Pierce Street at Five Points.

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

<u>APN</u>	<u>Interest to be Acquired</u>
146-162-020	Fee Simple
146-162-018	Fee Simple
146-162-038	Fee Simple
146-162-019	Fee Simple
146-162-039	Temporary Construction Easement

3. After a duly noticed public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on November 17, 2009, plaintiff's City Council adopted Resolution Number 21937 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain (collectively "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.



4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Manuel R. Arteaga Jr.	Owner
Silvia Arteaga	Owner
Manuel Arteaga dba La Sierra Dental Center	Tenant
U.F. Service Corporation	Trustee
United Commercial Bank	Beneficiary
William Randolph	Owner
Judi Randolph	Owner
Southern California Edison Company	Easement Holder
R. V. Service Master, Inc.	Tenant
Anh Mai Loan Nguyen	Owner
Marin Conveyancing Corporation	Trustee
GreenPoint Mortgage Funding, Inc.	Beneficiary
Wire-Outlet	Tenant
AMP Designs	Tenant
Bill Pay Station	Tenant
Mark Burkhart	Tenant
Ann Burkhart	Tenant
Debra Burkhart	Tenant
Ruth de Mars	Tenant
Nouhad Issa Hreische	Owner
Jack Maynor and Helena Maynor, Trustees of The Jack Maynor and Helena Maynor Trust, executed March 28, 1988; Trust Of Jack And Helena Maynor, Jack W. Maynor, Trustee	Owner, Beneficiary
First American Title Insurance Company	Trustee
SEATEC ISI/Mar-vel International	Tenant
James L. Manning and Kathleen G. Manning,	Owner



<u>Defendant Name</u>	<u>Property Interest</u>
Trustees of the Manning Trust dated March 5, 1999; J.L. Manning; Kathleen G. Manning	
Shoshone Service Corporation	Trustee
Ruben Ernesto Brinckhaus and Linda Brinckhaus, Co-Trustees of the Ruben D. & Termutis Brinckhaus 1997 Trust	Beneficiary
Rasik Phillippee	Potential Claimant
North American Title Company, Inc., as Successor in Interest to American Title Company	Trustee
Mission Savings and Loan Association	Beneficiary
Jennifer J. Hasso-Najm	Potential Claimant
Larry Kaufman	Potential Claimant
Alan R. Hasso	Beneficiary
Security Union Title Insurance Company as Successor in Interest to Safeco Title Insurance Company	Trustee
Russell Gallagher	Beneficiary
J.E. Margart	Potential Claimant
Devine Quality Auto Sales	Tenant

5. The following defendants filed disclaimers on the dates indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
United Commercial Bank	04/20/2012
Southern California Edison Company	11/17/2010
R. V. Service Master, Inc.	02/16/2010
Marin Conveyancing Corporation	03/08/2010
GreenPoint Mortgage Funding, Inc.	03/08/2010
First American Title Insurance Company	03/24/2010



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

DEFENDANT DATE OF FILING

North American Title Company, Inc., as
Successor in Interest to American Title
Company 02/11/2010

Security Union Title Insurance Company as
Successor in Interest to Safeco Title Insurance
Company 01/21/2010

6. The following defendants were dismissed by plaintiff without prejudice from this
action on the dates indicated below:

DEFENDANT DATE OF FILING

William Randolph 02/02/2010

Judi Randolph 02/02/2010

Wire-Outlet 08/12/2010

AMP Designs 08/12/2010

Mark Burkhart 01/14/2010

Ann Burkhart 01/14/2010

Debra Burkhart 01/14/2010

Ruth de Mars 01/14/2010

Total Educational Activity Model Corporation 11/06/2012

James L. Manning and Kathleen G. Manning,
Trustees of the Manning Trust dated
March 5, 1999 02/16/2010

Shoshone Service Corporation 02/16/2010

Ruben Ernesto Brinckhaus and Linda
Brinckhaus, Co-Trustees of the Ruben D.
& Termutis Brinckhaus 1997 Trust 02/16/2010

Rasik Phillippee 02/16/2010

Mission Savings and Loan Association 02/16/2010



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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Jennifer J. Hasso-Najm	02/16/2010
Larry Kaufman	02/16/2010
Alan R. Hasso	02/16/2010
Russell Gallagher	02/16/2010
J.E. Margat	02/16/2010
Devine Quality Auto Sales	02/16/2010

7. The following defendants have been regularly served with process herein and having failed to appear or answer within the time allowed by law, had their defaults taken on the dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
U.F. Service Corporation	07/22/2010
Bill Pay Station	05/05/2010
Monica Bailey (DOE 1)	05/05/2010
Jack Maynor and Helena Maynor, Trustees of The Jack Maynor and Helena Maynor Trust, executed March 28, 1988	05/05/2010
Trust of Jack and Helena Maynor, Jack W. Maynor, Trustee	05/11/2010

8. On May 17, 2011, a Stipulation re Settlement and For Entry of Partial Judgment and Final Order of Condemnation was made and entered as to defendant Anh Mai Loan Nguyen (hereinafter "Nguyen").

9. On May 17, 2011, this court entered the Partial Judgment and Final Order of Condemnation re Nguyen ("Nguyen Judgment").

10. Pursuant to the Nguyen Judgment, the total amount of just compensation to be paid by plaintiff to Nguyen is \$435,000.00 ("Nguyen Award").



1 11. On April 30, 2010, the court entered an Order for Withdrawal of Deposit of
2 Probable Amount of Just Compensation in favor of Nguyen, pursuant to which, the Treasurer of
3 the State of California disbursed payment in the amount of \$387,500.00 to Nguyen on or about
4 June 4, 2010.

5 12. The Nguyen Award remaining to be paid in the amount of \$47,500.00 was paid
6 by the City to Nguyen on June 13, 2011.

7 13. On November 9, 2012, this court entered the Partial Judgment and Final Order of
8 Condemnation ("Hreish Judgment") re defendant Nouha Issa Hreish (hereinafter "Hreish").

9 14. Pursuant to the Hreish Judgment, the total amount of just compensation to be paid
10 by plaintiff to Hreish is \$1,030,000.00 ("Hreish Award").

11 15. On March 7, 2011, the court entered an Order for Withdrawal of Funds on
12 Deposit in favor of Hreish, pursuant to which, the Treasurer of the State of California disbursed
13 payment in the amount of \$860,000.00 to Hreish on or about March 25, 2011.

14 16. As set forth in the Hreish Judgment, the Hreish Award remaining to be paid in the
15 amount of \$170,000.00, less 23,899.45 owed for past-due real property taxes, for a total payment
16 to Hreish in the amount of \$146,100.55, was paid by the City to Hreish on November 30, 2012.

17 17. On April 5, 2013, a Stipulation for Entry of Partial Judgment and Final Order of
18 Condemnation was made and entered as to defendants Manuel R. Arteaga, Jr., Silvia Arteaga,
19 and Manuel Arteaga dba La Sierra Dental (hereinafter "the Arteagas").

20 18. On April 5, 2013, this court entered the Partial Judgment and Final Order of
21 Condemnation re the Arteagas ("Arteaga Judgment").

22 19. Pursuant to the Arteaga Judgment, the total amount of just compensation to be
23 paid by plaintiff to the Arteagas is \$600,000.00 ("Arteaga Award").

24 20. On September 30, 2010, the court entered an Order for Withdrawal of Deposit of
25 Probable Compensation in favor of the Arteagas, pursuant to which, the Treasurer of the State of
26
27
28



1 California disbursed payment in the amount of \$518,840.00 to the Arteagas on or about
2 December 6, 2010.

3 21. As set forth in the Arteaga Judgment, the Arteaga Award remaining to be paid in
4 the amount of \$81,160.00, plus \$6,130 for costs, plus interest calculated at \$1,071.91, less
5 \$24,751.23 owed for past-due real property taxes, for a total payment to Defendants in the
6 amount of \$63,610.68, was paid by the City to the Arteagas on April 29, 2013.

7 22. On March 24, 2010, the court made and entered an order authorizing withdrawal
8 of \$700.00 from funds on deposit with the State Treasurer for APN 146-162-039.

9 23. On March 24, 2010, the court made and entered an order authorizing withdrawal
10 of \$16,300.00 from funds on deposit with the State Treasurer for APN 146-162-015.

11 24. On February 2, 2011, the court made and entered an order authorizing withdrawal
12 of \$23,254.00 from funds on deposit with the State Treasurer for the benefit of defendant Wire-
13 Outlet/AMP Designs.

14 25. On March 29, 2011, the court made and entered an order authorizing withdrawal
15 of \$46,685.00 from funds on deposit with the State Treasurer for the benefit of defendant
16 SEATEC ISI/Mar-vel International (appearing in this matter as Total Educational Activity
17 Model Corporation).

18 26. No funds remain on deposit with the State Treasurer's Office.

19 27. An Order of Prejudgment Possession ("OPP") became effective in and to APNs
20 146-162-020, 146-162-018, and 146-162-038 as described in the attached exhibit 'A' on May 10,
21 2010.

22 28. An Order of Prejudgment Possession ("OPP") became effective in and to APN
23 146-162-019 as described in the attached exhibit 'A' on June 10, 2010.

24 29. The use for which an interest in and to the property described in the attached
25 exhibit "A" is being acquired is a use authorized by law and the acquisition of said interest is
26 necessary to said use.

27 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
28 condemnation is hereby made in favor of the City of Riverside. The following defendants are



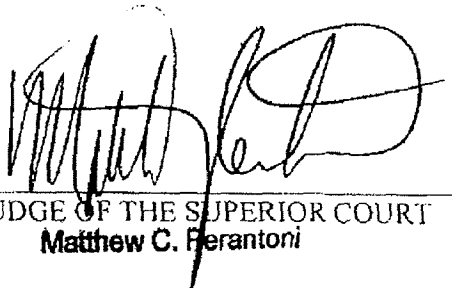
1 entitled to no compensation or damages: United Commercial Bank; Southern California Edison
2 Company; R. V. Service Master, Inc.; Marin Conveyancing Corporation; GreenPoint Mortgage
3 Funding, Inc.; First American Title Insurance Company; U.F. Service Corporation; Bill Pay
4 Station; Monica Bailey; Jack Maynor and Helena Maynor, Trustees of The Jack Maynor and
5 Helena Maynor Trust, executed March 28, 1988; and Trust of Jack and Helena Maynor, Jack W.
6 Maynor, Trustee.

7 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
8 CONDEMNATION:

9 The interests of defendants United Commercial Bank; Southern California Edison
10 Company; R. V. Service Master, Inc.; Marin Conveyancing Corporation; GreenPoint Mortgage
11 Funding, Inc.; First American Title Insurance Company; U.F. Service Corporation; Bill Pay
12 Station; Monica Bailey; Jack Maynor and Helena Maynor, Trustees of The Jack Maynor and
13 Helena Maynor Trust, executed March 28, 1988; and Trust of Jack and Helena Maynor, Jack W.
14 Maynor, Trustee, in the real property described in the attached exhibit 'A' are hereby condemned
15 for the public use and purpose described in the complaint herein, to wit, the realignment of La
16 Sierra Avenue, Holc Avenue, and Pierce Street at Five Points, plaintiff to take title to the
17 interest(s) of said defendants in said real property together with all improvements thereon in
18 which said defendant has an interest, and except as otherwise described in the attached exhibit
19 "A," free and clear of any and all liens, encumbrances, easements, and leaseholds of whatever
20 kind or nature.

21 The interests condemned to the City of Riverside in and to Assessor's Parcel Numbers
22 146-162-020, 146-162-039, 146-162-019, 146-162-018, and 146-162-038 are legally described
23 in Exhibit 'A' hereto.

24
25 DATED: 5-17, 2013



JUDGE OF THE SUPERIOR COURT
Matthew C. Perantoni

26
27
28 o:\cycom\wpdocs\ld002\p009\00153681.doc
L09-0233.1

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



16890

EXHIBIT A



2013-0251640
05/28/2013 03:29P
11 of 18

10890

FIVE POINTS
A.P.N. 146-162-020
FEE SIMPLE INTEREST

ALL OF THAT CERTAIN REAL PROPERTY AS CONVEYED TO MANUEL R. ARTEAGA, JR., AND SILVIA ARTEAGA, BY GRANT DEED RECORDED MAY 31, 2006, AS DOCUMENT NO. 2006-0393743 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 1 IN BLOCK 60 OF TRACT NO. 2 OF LA SIERRA HEIGHTS AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 1, DISTANT 70.00 FEET MEASURED ON THE SOUTHEASTERLY LINE OF SAID LOT 1, FROM THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.00 FEET TO A POINT;


THENCE SOUTHWESTERLY, PARALLEL TO THE SOUTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET TO A POINT;

THENCE SOUTHEASTERLY, PARALLEL TO THE NORTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.00 FEET, TO A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 1;

THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.155 ACRES, MORE OR LESS.

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
10/15/08 Date
Prep. E.V.



FIVE POINTS
APN: 146-162-039
T.C.E.

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

That portion of Lot 1 in Block 60 of Tract No. 2 of La Sierra Heights as shown by map on file in Book 7 of Maps, at Page 66 thereof, Records of Riverside County, California, lying within a strip of land 10.00 feet in width, the Southeasterly line being described as follows:


Beginning at the most Westerly corner of that certain parcel of land described to the City of Riverside by Deed recorded July 8, 1983 as Instrument No. 137148, Official Records of Riverside County, California;

Thence N.61°17'34"E. along the Northwesterly line of said parcel described to the City of Riverside, a distance of 88.00 feet to the Northeasterly line of that certain parcel of land described to William Randolph, et ux., by Deed recorded November 7, 1997 as Instrument No. 408319, Official Records of Riverside County, California, being the termination of said line description.

The sidelines of said strip of land 10.00 feet wide shall be prolonged or shortened to terminate in the Northeasterly line and Southwesterly line of said parcel described to Randolph, et ux.

The above described parcel of land contains 880 square feet, more or less.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 10/7/09 Prep. E.V.
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11



FIVE POINTS
APN: 146-162-019
FEE SIMPLE INTEREST


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

Lot 2 of Marolo Tract, as shown by map on file in Book 21 of Maps at Page 15 thereof, Records of Riverside County, California.

EXCEPTING THEREFROM the Northerly 82.46 feet thereof, the Southerly line of said 82.46 feet being parallel with the Northerly line of said Lot 2.

The above described parcel of land contains 0.145 acres, more or less.

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

8/1/09 Date
Prep. E.V.



FIVE POINTS
APN: 146-162-018 & 038
FEE SIMPLE INTEREST

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

Lot 3 of Marolo Tract, as shown by map on file in Book 21 of Maps at Page 15 thereof, Records of Riverside County, California.

TOGETHER WITH that portion of Lot 1 in Block 60 of Tract No. 2 of La Sierra Heights, as shown by map on file in Book 7 of Maps at Page 66 thereof, Records of Riverside County, California, described as follows:

Beginning on the Southeasterly line of said Lot 1, at a point 601.50 feet Northeasterly from the most Southerly corner of said Lot 1, said point also being the most Easterly corner of the parcel as conveyed to Mattie E. Schulz, et al., by Deed recorded April 15, 1974 as Instrument No. 43618, Official Records of Riverside County, California;

Thence Northwesterly along the Northeasterly line of said parcel conveyed to Mattie E. Schulz, et al., a distance of 210.00 feet to the most Northerly corner thereof;

Thence Northeasterly, a distance of 15.60 feet to the most Westerly corner of Lot 3 of said Marolo Tract;

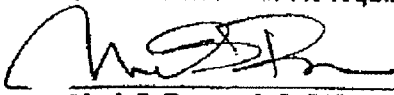
Thence Southeasterly along the Southwesterly line of said Lot 3, a distance of 210.01 feet to the Southeasterly line of said Lot 1;

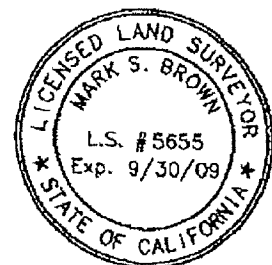
Thence Southwesterly along the Southeasterly line of said Lot 1, a distance of 15.60 feet to the point of beginning.

EXCEPTING THEREFROM the Southeasterly 4.00 feet in Pierce Street.

The above described parcel of land contains 0.325 acres, more or less.

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 9/30/08 Prep. E.V.



HREISCHE APN 146-162-018 & 038 LEGAL



2013-0251640
95/28/2013 03:29P
15 of 18

10890