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Page 1 of 16

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This instrument is for the benefit
of the City of Riverside and is
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D- 17479

**AMENDED JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1704312**

*Original Judgement and Final Order was not
recorded due to issue with Exhibit.*

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."

MAY 1 1 2018

1 GARY G. GEUSS, City Attorney, SBN 128022
2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 16 2018
L. Howell
[Signature]

MAY 17 2018

Attorneys for Plaintiff, City of Riverside (Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and)	Case No. RIC1704312
11 municipal corporation,)	Assigned to the Honorable
12 Plaintiff,)	Judge Sunshine S. Sykes
13 vs.)	Department 6
14 SOUTHERN CALIFORNIA EDISON COMPANY;)	AMENDED JUDGMENT AND FINAL
15 and DOES 1 THROUGH 100, inclusive,)	ORDER OF CONDEMNATION
16 Defendants.)	Complaint filed: 03/13/2017
	CMC: 09/11/2017

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19 This Amended Judgment and Final Order of Condemnation is made following disposition
20 through the court proceedings herein of all parties and property interests alleged in the Complaint
21 in Eminent Domain.

22 Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter
23 "City"), by and through its City Manager, John Russo, and defendant Southern California Edison
24 Company ("Defendant"), by and through its Vice-President, Gregory M. Ferree, that a Judgment
25 and Final Order of Condemnation may be made and entered herein in accordance with the terms
26 and conditions hereof without further notice to said Defendant, accordingly,

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1 **THE COURT HEREBY FINDS AND DETERMINES THAT:**

2 1. The parties have executed a stipulation intended to be a full and final settlement of
3 all claims, defenses, damages, losses, costs, and expenses of whatever kind or nature, whether
4 known or unknown, suspected and unsuspected that could have been raised in this eminent
5 domain action and which have occurred as of the date of their signing of the stipulation and which
6 may occur after that date.

7 2. On March 13, 2017, the City filed this eminent domain action to acquire various
8 utility facilities and supporting easements located in the city of Riverside. Specifically, the
9 property interests being acquired from the Southern California Edison Company by the City
10 through this eminent domain action are certain documented and prescriptive utility easements;
11 certain utility fixtures and improvements installed thereon; as well as personal and intellectual
12 property necessary for the operation of said utility fixtures and improvements; which interests are
13 more particularly described in Exhibit A ("Subject Property") attached hereto.

14 3. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of the
15 State of California, section 4090 of the Streets and Highways Code of the State of California,
16 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section
17 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
18 acquire by eminent domain real property or interests therein, as well as improvements, fixtures
19 and personal property, for public uses and purposes.

20 4. The property interests being acquired from Edison by the City of Riverside
21 through this eminent domain action are certain documented and prescriptive utility easements;
22 and certain electric utility distribution facilities, fixtures and improvements installed thereon;
23 including but not limited to poles, wires, and transformers, as well as personal and intellectual
24 property necessary for the operation of said utility facilities, fixtures and improvements, which
25 interests are as more particularly described in Exhibit A attached hereto (the "Subject Property
26 Interests").

27 5. The Subject Property interests described herein comprise all of Edison's electric
28 distribution facilities, fixtures and improvements, and their associated and supporting real

1 property interests, which are located in those geographic areas which were annexed to the City of
2 Riverside by Local Agency Formation Commission (LAFCO) proceedings No. 2003-11-5
3 (known as "Annexation Area No. 95") and No. 2004-35-5 (known as "Annexation Area No.
4 99"), which geographic areas are generally described as:

5 a. Annexation No. 95, is that area generally bounded by Burl Avenue to the
6 North, Columbia Avenue to the South, the east side of North Orange Street to the east, and La
7 Cadena Drive to the West;

8 b. Annexation Area 99, is located in the Two Trees Road area, i.e. – generally
9 south of the City of Riverside, west of the Box Springs Mountain Reserve, and east of Galaxy
10 Height Road."

11 6. After a duly noticed public hearing and an opportunity to be heard in compliance
12 with Code of Civil Procedure section 1245.235, on February 28, 2017, plaintiff's City Council
13 adopted Resolution Number 23065 authorizing plaintiff to acquire the Subject Property Interests.
14 In compliance with sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City
15 Council found and determined that: (a) the public interest and necessity require the proposed
16 project, (b) is planned and located in a manner that will be most compatible with the least private
17 injury, (c) the acquisition and taking of interests in the property sought to be acquired are
18 necessary for the Project, and (d) the offer required by section 7267.2 of the Government Code
19 has been made to the owners of record of the Subject Property Interests.

20 7. The use for which an interest in and to the Subject Property is being acquired is a
21 use authorized by law and the acquisition of said interest is necessary to said use.

22 8. Plaintiff named the following defendants in this action:

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<u>Defendant Name</u>	<u>Property Interest</u>
Southern California Edison Company	Owner
All persons unknown claiming an interest in the property	Potential Claimant

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1 9. Default of "all persons unknown" has been taken. A request for dismissal of the
2 DOES has been filed.

3 10. The parties have executed and filed a Stipulation for Entry of Judgment and Final
4 Order of Condemnation ("Stipulation"). Pursuant to the Parties' Stipulation, Edison has waived
5 the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation,
6 Notice of Entry of Final Order of Condemnation, and the right and time for appeal.

7 11. Pursuant to the Parties' Stipulation, Edison has waived the right to challenge the
8 City's right to acquire the property by eminent domain, the right to further and greater
9 compensation and damages of whatever kind or nature in the eminent domain action, and the
10 right to an award of interest, attorneys' fees and costs which might otherwise be allowable by law
11 in the action.

12 12. Pursuant to the Parties' Stipulation, the total amount of just compensation to be
13 paid by plaintiff to Defendant is the sum of Four Hundred Forty-three Thousand Seven Hundred
14 Ninety-two Dollars and Two Cents (\$443,792.02) ("Award").

15 13. The Award shall be apportioned as follows:

16	Permanent Easements	\$12,500.00
17	Damages to the Remainder	
	Relocation & Reconfiguration	\$ 44,000.00
18	Maps, Documents & Other Records	\$ 16,005.76
19	Improvements	
	Fixtures & Equipment	\$291,461.66
20	Meters	\$ 28,653.60
	Severance and Goodwill (Exit Fees)	<u>\$ 51,171.00</u>
21	TOTAL	\$443,792.02

22 14. Pursuant to the Parties' Stipulation, the total compensation is in complete
23 adjudication of any and all claims for compensation arising from the taking of the Subject
24 Property Interests, including payment for the fair market value of the property, statutory interest,
25 severance damages, fixtures, equipment, or inventory, loss of business goodwill, relocation
26 assistance benefits, loss of or damage to improvements pertaining to the realty, damages for pre-
27 condemnation or inverse condemnation, attorney's and expert fees, and any costs and litigation
28 expenses Edison has incurred by reason of taking of the Subject Property, including those costs

1 and expenses enumerated in California Code of Civil Procedure Sections 1268.710 and
2 1235.140.

3 15. Pursuant to the Parties Stipulation, they intend for the judgment entered herein to
4 constitute a full and final settlement of all claims, defenses, damages, losses, costs, and expenses
5 of whatever kind or nature, whether known or unknown, suspected and unsuspected that could
6 have been raised in this eminent domain action and which have occurred as of the date of the
7 signing of this stipulation and which may occur after that date. Pursuant to the Parties'
8 Stipulation, Edison has made a knowing waiver of any and all rights created by California Civil
9 Code section 1542, which provides that "A general release does not extend to claims which the
10 creditor does not know or suspect to exist in his or her favor at the time of executing the release,
11 which is known by him or her must have materially affected his or her settlement with the
12 debtor."

13 16. Pursuant to the Parties' Stipulation, Payment of the Award by the City shall be
14 made within thirty (30) days after entry of this Judgment and Final Order of Condemnation.

15 **THE PROCEEDINGS FINDINGS HAVING BEEN MADE,**

16 **IT IS WHEREFORE HEREBY, ADJUDGED AND DECREED THAT:**

17 17. The total compensation, award, and damages to be paid as a result of the
18 condemnation of the interests of defendant Southern California Edison in and to the Subject
19 Property is the total sum of Four Hundred Forty-three Thousand Seven Hundred Ninety-two
20 Dollars and Two Cents (\$443,792.02).

21 18. 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 the Subject Property as described in Exhibit A hereto.

27 19. The Award in the amount of Four Hundred Forty-three Thousand Seven Hundred
28 Ninety-two Dollars and Two Cents (\$443,792.02) shall be paid by plaintiff outside these court

1 proceedings to Defendant as follows: the draft shall be made payable to "Southern California
2 Edison Company" and forwarded to:

3 Lisa DeLorme, Senior Attorney
4 Southern California Edison Company
5 2244 Walnut Grove Ave.
6 Rosemead, California 91770

7 20. Payment to Defendant of the total Award shall constitute payment in full for the
8 real property taken and for all damages of any kind and nature whatsoever suffered by
9 Defendant by reason of such taking.

10 21. Neither party to this stipulation knows of any other individual, party or entity,
11 other than Edison, who may make a claim for the market value of the property taken, loss of
12 goodwill, severance damages, relocation assistance benefits, claims for inverse condemnation or
13 unreasonable pre-condemnation conduct, or compensation for fixtures and equipment.

14 22. The parties have stipulated that, notwithstanding the provisions set forth in Code
15 of Civil Procedure Section 1268.030(a), the Court may enter the Judgment and Final Order of
16 Condemnation concurrently.

17 **WHEREFORE THE COURT NOW MAKES THE FOLLOWING**
18 **ORDER OF CONDEMNATION:**

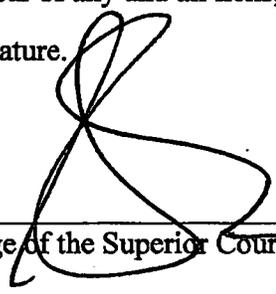
19 The interest of defendant Southern California Edison ("Defendant") in the real and
20 personal property described in Exhibit "A" is hereby condemned for the public use and purposes
21 described in the Complaint, namely as acquiring Southern California Edison electric distribution
22 facilities, including certain interests in real property, located in those areas annexed to the City
23 of Riverside in Local Agency Formation Commission (LAFCO) proceeding No. 2003-11-5
24 known as "Annexation No. 95 – Easterly side of Orange Street, northerly of Columbia Avenue"
25 and proceeding No. 2004-35-5 known as "Annexation No. 99 – Two Trees – generally south of
26 the City of Riverside, west of the Box Springs Mountain Reserve, north of Blaine Street and east

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1 of Galaxy Height Road." Plaintiff City of Riverside to take title to the interests of Defendant in
2 said real property, as described in Exhibit A hereto, together with all improvements thereon in
3 which said Defendant has an interest, free and clear of any and all liens, encumbrances,
4 easements, and leaseholds, of whatever kind or nature.

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DATED: 5/15/18



Judge of the Superior Court

EXHIBIT A

EXHIBIT A

1. Easement Rights

Easement rights granted to the Southern California Edison Company or the California Electric Power Company, all of whose assets Southern California Edison Company acquired by way of a merger registered with the California Secretary of State on January 29, 1964:95

Annexation Area 95

An overhead Grant of Easement for the Walnut Forest Tract, recorded on February 18, 1960 as Instrument No. 15212 in Book 2639, page 321 of the Official Records of the County of Riverside, which is known internally to Edison as Document No. 187209

An overhead Grant of Easement recorded on December 14, 1959 as Instrument No. 105809 in Book 2599, page 50 of the Official Records of the County of Riverside, and known internally to Edison as SCE Document No. 184984.

An overhead Grant of Easement affecting lots within the Walnut Forest Tract No. 2, recorded on January 18, 1960 as Instrument No. 4488 in Book 2617, page 575 of the Official Records of the County of Riverside, and known internally to Edison as SCE Document No. 186327.

An overhead Grant of Easement affecting lots within the Walnut Forest Tract No. 2, recorded on November 17, 1959 as Instrument No. 97970 In Book 2583 page 129 the Official Records of the County of Riverside, and known internally to Edison as SCE Document No. 184996.

An overhead Grant of Easement in Lot 117 of the Lands of the Southern California Colony Association tract, recorded on August 21, 1963 as Instrument No. 88185 in Book 3470, page 368 the Official Records of the County of Riverside, and known internally to Edison as SCE Document No. 209239.

An overhead and underground Grant of Easement recorded on April 2, 1965 as Instrument No. 38354 of Official Records of the County of Riverside and known internally to Edison as SCE Document No. 219618.

An overhead Grant of Easement affecting a portion of Lot 106 of the Lands of the Southern California a Colony Association, recorded on June 18, 1951 as Instrument No. 25800 in Book 1280, page 219 of the Official Records of the County of Riverside, and known internally to SCE as Document No. 118808.

An overhead Grant of Easement within a portion of lots 103 and 108 of the Lands of the Southern California Colony Association, recorded on August 2, 1955 as Instrument No. 50401 in Book 1775, page 519 the Official Records of the County of Riverside and known internally to Edison as SCE Document No. 150752.

An overhead Grant of Easement running north east across a portion of lots 118 and 121 of the Lands of Southern California Colony Association, recorded on December 14, 1959 as Instrument No. 105825 in Book 2599, page 72 the Official Records of the County of Riverside and known internally to Edison as SCE Document No. 186308.

An overhead Grant of Easement located within Lot 10 of the Rose Tract, recorded on December 17, 1956 as Instrument No. 85218 in Book 2013, page 175 the Official Records of the County of Riverside and known internally to Edison as SCE Document No. 162544.

An overhead Grant of Easement executed on April 20, 1936 in the County of Riverside, which is unrecorded. And which is known internally to SCE as Document No. 61275.

An overhead Grant of Easement within a portion of Lot 105 of the Lands of the Southern California Colony Association, recorded on June 7, 1956 as Instrument No. 39697 in Book 1924, page 117 of Official Records of the County of Riverside, and known internally to SCE as Document No. 158350.

Annexation 99:

An overhead easement of centerline description, recorded on February 7, 1964 as Instrument No. 16352 in Book 3605, page 370 of the Official Records of the County of Riverside and known internally to Edison as SCE Document No. 263219.

An overhead easement of centerline description, recorded on November 2, 1951 as Instrument No. 46034 in Book 1316, page 102 of Official Records of the County of Riverside.

An overhead and underground Grant of Easement, recorded on February 19, 1965 as Instrument No. 19728 in Book 3928, page 556 of the Official Records of the County of Riverside.

For informational purposes only, the parties note that the easement rights listed above, collectively affect the following APN numbers:

246-161-001	246-190-038	246-200-012	246-200-042	246-242-011
246-161-002	246-190-039	246-200-013	246-200-043	246-251-002
246-161-003	246-190-042	246-200-014	246-200-044	256-251-005
246-161-004	246-190-045	246-200-015	246-200-045	258-020-008
246-161-005	246-200-001	246-200-030	246-220-001	258-050-025
246-161-006	246-200-002	246-200-031	246-220-002	258-050-021
246-161-007	246-200-003	246-200-032	246-220-003	258-020-21
246-161-008	246-200-004	246-200-033	246-220-004	
246-161-009	246-200-005	246-200-035	246-220-005	
246-161-011	246-200-006	246-200-036	246-220-006	
246-161-012	246-200-007	246-200-037	246-220-007	
246-161-013	246-200-008	246-200-038	246-230-011	
246-161-014	246-200-009	246-200-039	246-442-003	
246-161-015	246-200-010	246-200-040	246-242-006	
246-190-018	246-200-011	246-200-041	246-242-008	

2. Improvements, Fixtures, and Equipment

Description	FERC Acct.	Sum of Total	Sum of Quantity	
Anchor Plate w/3/4in,*8ft. Rod	364	49	49	
Arréster, Lightening 15kv	368	20	20	
Bracket, Arm, Upsweep 6 Ft.	373	33	33	
Bracket, Transformer, Pole Mounting, 3-1P	364	1	1	
Cable #2 AL Triplex (per 1,000 ft.)	365	4920	4.92	
Cable #2 AL, Triplex	369	800	8	

Cable, #4 AL Triplex (per 1,000 ft.)	365	5921	5.921
Cable, #4, AL, Quadruplex	369	100	1
Cable, #4 AL triplex	369	75960	75.96
Cable, #6, AL Duplex (Per 1,000 ft.)	365	1954	1.954
Cable #6 AL, Duplex	369	100	1
Cable, #6, CU, Triplex	369	2800	28
Cable, 1/0 AL Triplex (per 1,000 ft.)	365	7989	7.989
Cable 2-1/0 & 1-02 AWG, 600V (per 100)	369	412	4.12
Cable 2-1/0 % 1-02 AWG 600 V (per 100 ft.)	367	250	2.5
Cable 2-4/0 & 1-1/0 AWG 600V (per 100')	369	200	2
Cable, 4/0 AL Triplex	369	60	.6
Capacitor, Bank, 12 kV, 300 KVAR (SW)	368	6	6
Crossarm, Dbl, 10 ft., steel pin, flat brace	364	18	18
Crossarm, Dbl, 10 ft., steel pin, vee brace	364	2	2
Crossarm, Dbl, 10 ft., wood pin, flat brace	364	1	1
Crossarm, Dbl, 8 ft., steel pin, flat brace	364	12	12
Crossarm, Dbl, 8 ft., wood pin, flat brace	364	2	2
Crossarm, Sgl, 10 ft., steel pin, flat brace	364	57	57
Crossarm, Sgl, 10 ft., steel pin, vee brace	364	7	7
Crossarm, Sgl, 10 ft., wood pin, flat brace	364	1	1
Crossarm, Sgl, 5 ft., steel pin, flat brace	364	11	11
Crossarm, Sgl, 8 ft., steel pin, flat brace	364	25	25
Crossarm, Sgl, 8 ft., wood pin, flat brace	364	1	1
Extension, pole top, 7 ft.	364	3	3
Guy, Down, 9/32 in.	364	56	56
Guy, Sidewalk, 9/32 in.	364	3	3
Guy, Span, 7/32 in.	364	19	19
Handhole, Plastic, 13**24**15*	366	1	1
Insulator, Line Post, 25 kV; #142C	365	44	44
Insulator, Line Post, Clamp Top, 25 kV	365	59	59
Insulator, Pin Type, 27 KV #1428	365	155	155
Insulator, Spool Type, #166	365	119	119
Insulator, Suspension, #235 (each)	365	152	152
Insulation, suspension, Polymer, 15kV	365	1	1
Insulator, Suspension, Polymer, 25 kV	365	13	13
Luminaire, Drop Glass, 5800H5Vm 120V	373	17	17
Luminaire, Drop Glass, 9500HP5V, 120V	373	16	16
Mounting, Fuse Cutout, 100A, For 12 kV/16 kV Systems	368	4	4
Mounting Fuse, 14.4-17kV, 17in., SMU 20	368	72	72
Pole, Wood, TFL, 30 ft.	364	6	6
Pole, Wood, TFL, 35 ft.	364	23	23
Pole, Wood, TFL, 40 ft.	364	38	38
Pole, Wood, TFL, 45 ft.	364	25	25
Pole, Wood, TFL, 50 ft.	364	25	25
Pole, Wood, TFL, 55 ft.	364	14	14

Pole, Wood TFL 60 ft.	364	1	1	
Pole, Wood, TFL 90 ft.	364	0	0	
Rack, Secondary, #284	364	60	60	
Riser, 2" PVC, 12 kV/16 kV	366	2	2	
Riser, 3" PVC, 4/12/16 kV	366	9	9	
Step, Pole, For Wood Poles	364	132	132	
Switch, Airbreak, 17 kV, 600A, Omni-rupter, 3W/4W	365	2	2	
Transformer 10 kVA, 12 kV, 120/240V, 1P	368	8	8	
Transformer 15 kVA, 12 kV, 120/240V, 1P	368	5	5	
Transformer 25 kVA, 12 kV, 120/240V, 1P	368	14	14	
Transformer 50 kVA, 12 kV, 120/240V, 1P	368	4	4	
Transformer 37 kVA, 12 kV, 120/240V, 1P	368	6	6	
Wire, #4 ACSR (per 1,000 ft.)	368	7282	7.282	
Wire, #4 SOL, CU, Bare (Per 1,000 ft.)	365	100	.1	
Wire, #4 STR, CU, Bare (Per 1,000 ft.)	365	10986	10.986	
Wire, #6 SOL, CU, Bare (per 1,000 ft.)	365	12557	12.557	
Wire #8, SOL, CU, WP (Per 1,000 ft.)	365	1306	1.306	
Wire 1/0 ACSR (Per 1,000 ft.)	365	2916	2.916	

For informational purposes only, the parties note that the improvements, fixtures and equipment listed above can be found on the following Edison Facilities Inventory Maps:

Annexation 95
Overhead Map Nos.

672-1685-1
670-1665-1

Annexation 95
Underground Map Nos.

672-1665-0
671-1665-0
671-1606-5

Annexation 99
Overhead Map Nos.

664-1677-1
662-1677-1
662-1680-1

PROOF OF SERVICE
City of Riverside v. SCE
RIC1704312

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 3750 University Avenue #250, Riverside, California 92501.

On May 11, 2018, I served the within AMENDED JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

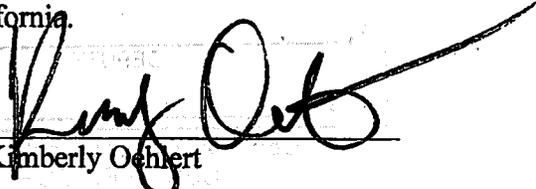
Patricia A. Cirucci, Esq.
Lisa DeLorme, Esq.
Southern California Edison Company
2244 Walnut Grove Ave.
Rosemead CA 91770

Attorneys for defendant:
Southern California Edison Company

(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.

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

Executed on May 11, 2018, at Riverside, California.


Kimberly Oehlert