

DOC # 2014-0400346

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Larry W. Ward

Assessor, County Clerk & Recorder

When Recorded Mail To:

Riverside City Attorney's Office

3900 Main Street

Riverside, CA 92522

Ref: CA# L14-0033.06



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

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JUDGMENT AND FINAL ORDER OF CONDEMNATION

APN 145-023-013

CASE NO. RIC1403446

D-17094

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."

D-17094

CRISTINA L. TALLEY, Interim City Attorney, SBN 107298
KRISTI J. SMITH, Supv. Deputy City Attorney, SBN 120218
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CITY OF RIVERSIDE
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Telephone (951) 826-5567
Facsimile (951) 826-5540
bmercerc@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 17 2014

C. Andrews *[Signature]*

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

MRC
OCT 20 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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

Plaintiff,

vs.

OMAR EL-JAWHARI REYES; et al.,

Defendants.

) Case No. RIC1403446
)
) ASSIGNED TO THE HONORABLE
) JUDGE JOHN D. MOLLOY
) DEPT. 10
)
) JUDGMENT AND FINAL ORDER OF
) CONDEMNATION

[Stipulation re Settlement and for Entry of
Judgment and Final Order of Condemnation
submitted concurrently herewith.]

Complaint Filed: 04/08/2014
CMC: 10/08/2014

This Judgment and Final Order of Condemnation is made following disposition through
the court proceedings described below of all parties and property interests alleged in the
Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
Riverside (hereinafter "City"), by and through Brandon S. Mercer, Deputy City Attorney, and
Defendants Omar El-Jawhari Reyes and Basma El-Jawhari ("Defendants"), that a Judgment and
Final Order of Condemnation as to Assessor's Parcel Number 145-023-013 may be made and
entered herein in accordance with the terms and conditions hereof without further notice to said
Defendants,

///

D-17094



1 IT IS HEREBY FOUND AND DETERMINED:

2 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
3 the State of California, section 4090 of the Streets and Highways Code of the State of California,
4 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section
5 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
6 acquire real property or interests therein for public uses and purposes, to wit: widening
7 approximately one mile of Tyler Street between Hole and Wells Avenues.

8 2. After a duly noticed public hearing and an opportunity to be heard in compliance
9 with Code of Civil Procedure section 1245.235, on March 25, 2014, plaintiff's City Council
10 adopted Resolution Number 22644 authorizing plaintiff to acquire the property described in the
11 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
12 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
13 that: (a) the public interest and necessity require the proposed project, (b) the proposed project
14 is planned and located in the manner that will be the most compatible with the greatest public
15 good and least private injury, (c) the acquisition and taking of interests in the property sought to
16 be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
17 Government Code has been made to the owners of record of the Subject Property.

18 3. Plaintiff named the following Defendants in this action:

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<u>Defendants Name</u>	<u>Property Interest</u>
Omar El-Jawhari Reyes	Owner
Basma El-Jawhari	Owner
Pacific Telephone and Telegraph Company [aka Pacific Bell Telephone Company]	Easement holder
Fidelity National Title Insurance Company	Trustee under deed of trust
BrooksAmerica Mortgage Corporation	Beneficiary under deed of trust
All Persons Unknown Claiming an Interest in the Property	Potential Claimant

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1 4. The interest of Defendants in and to the real property designated in the complaint
2 as Assessor's Parcel Number 145-023-013 is fee simple absolute. The interest being acquired by
3 the City through this eminent domain action is a street and highway easement and a temporary
4 construction easement, as more particularly described in Exhibit 'A' hereto.

5 5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final
6 Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial,
7 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
8 Order of Condemnation as to Assessor's Parcel Number 145-023-013, and the right and time for
9 appeal.

10 6. By execution of the Stipulation, Defendants expressly waive the right to challenge
11 the City's right to acquire the property by eminent domain, the right to further and greater
12 compensation and damages of whatever kind or nature, and the right to an award of interest,
13 attorneys fees and costs, to the extent that they may be allowable by law.

14 7. By execution of the Stipulation, the total compensation is in complete settlement
15 of any and all claims for compensation arising from the taking of the real property described in
16 Exhibit 'A' hereto ("Subject Property"), including costs, statutory interest, severance damages,
17 fixtures, equipment, or inventory, loss of business goodwill, relocation assistance, loss of or
18 damage to improvements pertaining to the realty, damages for precondemnation or inverse
19 condemnation, attorney's fees, all costs and litigation expenses of Defendants against the City
20 by reason of taking of the Subject Property.

21 8. Pursuant to the Stipulation, Defendants make a knowing waiver of any and all
22 rights created by California Civil Code section 1542.

23 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
24 plaintiff to Defendants is the sum of Thirteen Thousand Seven Hundred Dollars (\$13,700.00)
25 ("Award").

26 10. On March 27, 2014, the City deposited the sum of Six Thousand Seven Hundred
27 Dollars (\$6,700.00) ("Deposit") with the Treasurer of the State of California, Condemnation
28 Fund, as the probable just compensation for Assessor's Parcel Number ("APN") 145-023-013.



1 11. No funds have been withdrawn from the Deposit and \$6,700.00 remains on
2 deposit with the State Treasurer condemnation fund.

3 12. City represents that payment of the Award will be made within thirty (30) days
4 after entry of this Judgment and Final Order of Condemnation.

5 13. An Order of Prejudgment Possession became effective as to the interest of
6 Defendants in and to Assessor's Parcel Number 145-023-013 on September 10, 2014.

7 14. The use for which an interest in and to Assessor's Parcel Number 145-023-013 is
8 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
9 use.

10 15. The Defendants "All Persons Unknown Claiming an Interest in the Property" was
11 dismissed without prejudice from this action by plaintiff concurrently with the submission of the
12 Stipulation.

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
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BrooksAmerica Mortgage Corporation	09/11/2014
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19 17. The following defendants filed disclaimers on the dates indicated below and are
20 entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
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Pacific Bell Telephone Company	05/30/2014
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Fidelity National Title Insurance Company	06/05/2014
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24 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

25 1. The total compensation, award, and damages to be paid as a result of the
26 condemnation of the interests of Defendants Omar El-Jawhari Reyes and Basma El-Jawhari
27 ("Defendants") in and to Assessor's Parcel Number 145-023-013 is the total sum of Thirteen
28 Thousand Seven Hundred Dollars (\$13,700.00).



1 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
2 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
3 including, but not limited to, those defined in California Code of Civil Procedure section
4 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
5 damages, if any, to which Defendants shall be entitled by reason of the condemnation of and
6 construction activities by plaintiff on Assessor's Parcel Number 145-023-013.

7 3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of
8 Six Thousand Seven Hundred Dollars (\$6,700.00) from those funds on deposit in the
9 Condemnation Fund in connection with the above-entitled matter. Payment of said funds shall
10 be made payable to "City of Riverside" and forwarded to:

11 Office of the City Attorney
12 c/o Brandon Mercer, Esq.
13 3900 Main Street 5th Floor
 Riverside, CA 92522

14 4. The Award in the amount of Thirteen Thousand Seven Hundred Dollars
15 (\$13,700.00) shall be paid by plaintiff outside these court proceedings to Defendants as follows:
16 the draft shall be made payable to "Omar El-Jawhari Reyes and Basma El-Jawhari" and
17 forwarded to:

18 Law Office of Rachad H. El-Jawhari
19 c/o Rachad H. El-Jawhari, Esq.
20 14078 Martin Place
 Riverside, CA 92503

21 5. Payment to Defendants of the total Award shall constitute payment in full for the
22 real property taken and for all damages of any kind and nature whatsoever suffered by said
23 Defendants by reason of such taking.

24 6. An Order of Prejudgment Possession became effective as to the interest of
25 Defendants in and to Assessor's Parcel Number 145-023-013 on September 10, 2014.

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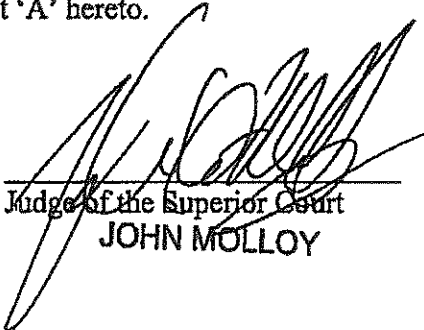
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WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
CONDEMNATION:

The interest of defendants Omar El-Jawhari Reyes, Basma El-Jawhari, Pacific Bell Telephone Company, Fidelity National Title Insurance Company, and BrooksAmerica Mortgage Corporation ("Defendants") in the real property described in Exhibit "A" as to Assessor's Parcel Number 145-023-013 is hereby condemned for the public use and purposes described in the Complaint as widening approximately one mile of Tyler Street between Hole and Wells Avenues. Plaintiff City of Riverside to take title to the interests of Defendants in said real property, together with all improvements thereon in which said Defendants have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

The interests condemned to the City of Riverside in and to Assessor's Parcel Number 145-023-013 are legally described in Exhibit 'A' hereto.

DATED: 10/16/14



Judge of the Superior Court
JOHN MOLLOY

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L14-0033.06



EXHIBIT A

D-17094



2014-0400346
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POR. APN: 145-023-013
Street & Highway Easement

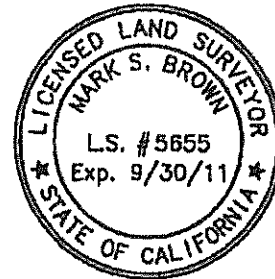
That certain real property located in the City of Riverside, Riverside County, California, described as follows:

All that portion of Lot 2 of Tract No. 2295, as shown by map on file in Book 46, Page 32 of Maps, records of said Riverside County, lying southwesterly of a line that is parallel with and distant 50.00 feet northeasterly, as measured at right angles, from the centerline of Tyler Street (formerly Tyler Avenue) as shown by said map.

Containing 390 S.F., more or less.

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

 1/11/10 Prep. _____
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11



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FOR A.P.N. 145-023-01300

Temporary Construction Easement

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

The northeasterly 15.00 feet of the southwesterly 21.00 feet of Lot 2 of Tract No. 2295, as shown by map on file in Book 46, Page 32 of Maps, records of said Riverside County.

Area - 975 square feet, more or less.

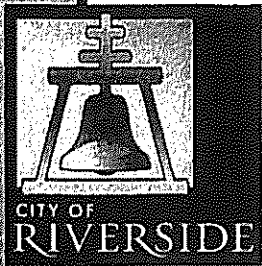
This temporary easement and right-of-way shall terminate 9 months after issuance of the notice to proceed or upon completion of the public improvements and acceptance by the City as demonstrated by recordation of a notice of completion, whichever occurs first.

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

Mark S. Brown
Mark S. Brown, L.S. 5655 8/15/2012 Prep. *kg*
Date



D-17094



MEMORANDUM
CITY ATTORNEY'S OFFICE

RECEIVED

NOV 06 2014

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: November 5, 2014
RE: CITY V. EL-JAWHARI REYES (TYLER AVENUE STREET WIDENING); CA L14-0033.06;
RIVERSIDE SUPERIOR COURT CASE NO. RIC1403446

Enclosed is the original recorded Judgment and Final Order of Condemnation regarding the above-referenced eminent domain matter.

Please retain this document as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.

Kimberly Oehlert
Paralegal
Ext. 5768

D-17094