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3900 Main Street
Riverside, CA 92522
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2015-0480319

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Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



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

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Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC
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SIZE	NCOR	SMF	NCHG	T:	<i>Notice</i>				

**JUDGMENT AND FINAL ORDER OF CONDEMNATION
RE ASSESSOR'S PARCEL NUMBER 143-150-049
CASE NO. RIC1403491**

(B)
D-17245

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-17245

OCT 21 2015

1 GARY G. GEUSS, City Attorney, SBN 128022
2 SUSAN D. WILSON, Assistant City Attorney, SBN 157652
3 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
4 OFFICE OF THE CITY ATTORNEY
5 City Hall, 3900 Main Street
6 Riverside, California 92522
7 Tel: (951) 826-5567
8 Fax: (951) 826-5540
9 bmercer@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AMC

OCT 27 2015
L. Howell
L. Howell

OCT 28 2015
B

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

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE

11	CITY OF RIVERSIDE, a California charter city and)	Case No. RIC1403491
12	municipal corporation,)	ASSIGNED TO THE HONORABLE
	Plaintiff,)	JUDGE SUNSHINE S. SYKES
13)	Dept. 6
14	vs.)	
15	TYLER CENTER, INC.; et al.,)	JUDGMENT AND FINAL ORDER OF
	Defendants.)	CONDEMNATION
16)	Complaint Filed: 04/09/2014
)	Trial: 10/16/2015

18 This Judgment and Final Order of Condemnation is made following disposition through
19 the court proceedings described below of all parties and property interests alleged in the
20 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
21 Riverside (hereinafter "City"), by and through Brandon S. Mercer, Deputy City Attorney, and
22 Defendant Tyler Center, Inc., ("Defendant"), that a Judgment and Final Order of Condemnation
23 as to Assessor's Parcel Number 143-150-049 may be made and entered herein in accordance
24 with the terms and conditions hereof without further notice to said Defendants,

25 IT IS HEREBY FOUND AND DETERMINED:

26 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
27 the State of California, section 4090 of the Streets and Highways Code of the State of California,
28 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section

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

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1 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
2 acquire real property or interests therein for public uses and purposes, to wit: widening
3 approximately one mile of Tyler Street between Hole and Wells Avenues.

4 2. After a duly noticed public hearing and an opportunity to be heard in compliance
5 with Code of Civil Procedure section 1245.235, on March 25, 2014, plaintiff's City Council
6 adopted Resolution Number 22660 authorizing plaintiff to acquire the property described in the
7 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
8 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
9 that: (a) the public interest and necessity require the proposed project, (b) the proposed project
10 is planned and located in the manner that will be the most compatible with the greatest public
11 good and least private injury, (c) the acquisition and taking of interests in the property sought to
12 be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
13 Government Code has been made to the owners of record of the Subject Property.

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

<u>Defendants Name</u>	<u>Property Interest</u>
Tyler Center, Inc.	Owner
Southern California Edison Company	Easement holder
UnionBanCal Mortgage Corporation as Successor in Interest to H.F.S. Corporation	Trustee under deed of trust
Union Bank, N.A., as Successor in Interest to Highland Federal Bank, F.S.B.	Beneficiary under deed of trust
Vishal Dhuliya Dental Corporation dba Tyler Dental Center	Tenant
Taqueria El Flaco	Tenant
Latina's Hair Cut Salon	Tenant
Jose Jesus Gutierrez dba J G Professional Accounts Co.	Tenant
A A Body Massage	Tenant
All Persons Unknown Claiming an Interest in the Property	Potential Claimant

1 4. The interest of Defendant in and to the real property designated in the complaint
2 as Assessor's Parcel Number 143-150-049 is fee simple absolute. The interest being acquired by
3 the City through this eminent domain action is a street and highway easement and 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"), Defendant waives 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 143-150-049, and the right and time for
9 appeal.

10 6. By execution of the Stipulation, Defendant expressly waives 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 Defendant against the City by
20 reason of taking of the Subject Property.

21 8. Pursuant to the Stipulation, Defendant makes 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 Thirty-five Thousand Dollars (\$35,000.00) ("Award").

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1 10. On March 27, 2014, the City deposited the sum of Six Thousand Seven Hundred
 2 Dollars (\$6,700.00) ("Deposit") with the Treasurer of the State of California, Condemnation
 3 Fund, as the probable just compensation for Assessor's Parcel Number ("APN") 143-150-049.
 4 The funds deposited are apportioned among the following defendants as indicated below:

Defendant	Property Interest	Deposit Amount
Tyler Center, Inc.	Real Estate	\$2,200
Taqueria El Flaco	Fixtures & Equipment	\$4,500

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

10 12. Pursuant to the Stipulation, Payment of the Award by the City will be made
 11 within thirty (30) days after entry of this Judgment and Final Order of Condemnation.

12 13. An Order of Prejudgment Possession became effective as to the interest of
 13 Defendant in and to Assessor's Parcel Number 143-150-049 on September 6, 2014.

14 14. The use for which an interest in and to Assessor's Parcel Number 143-150-049 is
 15 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
 16 use.

17 15. The following defendants were dismissed from this action on the dates indicated
 18 below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
UnionBanCal Mortgage Corporation as Successor in Interest to H.F.S. Corporation	June 3, 2014
Union Bank, N.A., as Successor in Interest to Highland Federal Bank, F.S.B.	June 3, 2014

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Vishal Dhuliya Dental Corporation dba Tyler Dental Center	July 22, 2014

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Taqueria El Flaco	July 22, 2014
Latina's Hair Cut Salon	July 22, 2014
Jose Jesus Gutierrez dba J G Professional Accounts Co.	July 22, 2014
A A Body Massage	July 22, 2014

17. The following defendant filed a disclaimer on the dates indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Southern California Edison Company	June 26, 2014

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The total compensation, award, and damages to be paid as a result of the condemnation of the interests of Defendant Tyler Center, Inc., ("Defendant") in and to Assessor's Parcel Number 143-150-049 is the total sum of Thirty-five Thousand Dollars (\$35,000.00).

2. Payment of the Award hereunder shall be deemed to expressly include all costs of suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses including, but not limited to, those defined in California Code of Civil Procedure section 1235.140. Payment hereunder shall further be deemed to be the total just compensation and damages, if any, to which Defendant shall be entitled by reason of the condemnation of and construction activities by plaintiff on Assessor's Parcel Number 143-150-049.

3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of Two Thousand Two Hundred Dollars (\$2,200.00) from those funds on deposit in the Condemnation Fund and apportioned to Defendant in connection with the above-entitled matter. Payment of said funds shall be made payable to "City of Riverside" and forwarded to:

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

1 4. The Award in the amount of Thirty-five Thousand Dollars (\$35,000.00) shall be
2 paid by plaintiff outside these court proceedings to Defendant as follows: the draft shall be made
3 payable to "Briggs and Alexander Trust Account" and forwarded to:

4 Peter Sunukjian, Esq.
5 Jeffrey Weber, Esq.
6 Law Offices of Briggs & Alexander
7 558 S. Harbor Blvd., Suite 100
8 Anaheim, CA 92805

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

12 6. An Order of Prejudgment Possession became effective as to the interest of
13 Defendants in and to Assessor's Parcel Number 143-150-049 on September 6, 2014.

14 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
15 CONDEMNATION:

16 The interest of defendants Tyler Center, Inc.; Southern California Edison Company;
17 Vishal Dhuliya Dental Corporation dba Tyler Dental Center; Taqueria El Flaco; Latina's Hair
18 Cut Salon; Jose Jesus Gutierrez dba J G Professional Accounts Co.; and A A Body Massage
19 ("Defendants") in the real property described in Exhibit "A" as to Assessor's Parcel Number
20 143-150-049 is hereby condemned for the public use and purposes described in the Complaint as
21 widening approximately one mile of Tyler Street between Hole and Wells Avenues. Plaintiff
22 City of Riverside to take title to the interests of Defendants in said real property, together with
23 all improvements thereon in which said Defendants have an interest, free and clear of any and all
24 liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

25 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
26 143-150-049 are legally described in Exhibit 'A' hereto.

27 DATED: 10/26/15

28 
Judge of the Superior Court

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L14-0033.17

EXHIBIT A

D-17245

POR. APN: 143-150-049
Street & Highway Easement

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

All that portion of Lot 5 of Castle Homes, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County, described as follows:

COMMENCING at the most easterly corner of Lot 7 of said Castle Homes:

THENCE South 55°59'30" West, along the southeasterly line of said Lot 7, a distance of 15.00 feet to a line that is parallel with and distant 55.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street, as shown by said map;

THENCE North 34°20'30" West, along said parallel line, a distance of 176.17 feet to the POINT OF BEGINNING of the parcel of land being described; said point being distant along said parallel line 3.87 feet southeasterly from the northwesterly terminus of that certain course having a bearing and distance of North 34°20'30" West, 180.04 feet in that parcel of land conveyed to the City of Riverside by Grant Deed recorded May 4, 1979, as Instrument No. 91659 of Official Records of said Riverside County;

THENCE continuing North 34°20'30" West, a distance of 3.87 feet to an angle point in the southerly boundary of said parcel of land described in said Grant Deed;

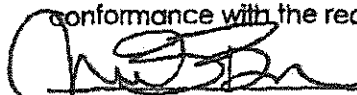
THENCE North 72°22'19" West, along said southerly boundary, a distance of 12.62 feet to the beginning of a non-tangent curve concaving northwesterly, having a radius of 203.00 feet and to which the radial line bears South 31°34'46" East;

THENCE southwesterly to the right along said curve through a central angle of 0°51'54" an arc length of 3.06 feet to the beginning of a non-tangent curve concaving southerly, having a radius of 46.50 feet and to which the radius bears South 6°55'07" West;

THENCE southeasterly to the right along said curve through a central angle of 21°55'32" an arc length of 17.79 feet to the POINT OF BEGINNING.

Containing 25 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.

 3/25/2011 Prep. kg
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11



D-17245

POR. A.P.N. 143-150-049
Temporary Construction Easement

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

That portion Lots 5, 6 and 7 of Castle Homes, as shown by map filed in Map Book 36, Pages 17 and 18, records of said Riverside County, described as follows:

COMMENCING at the most easterly corner of said Lot 7;

THENCE South $55^{\circ}39'30''$ West, along the southeasterly line of said Lot 7, a distance of 15.00 feet to a line that is parallel with and distant 55.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street as shown by said map, and being the POINT OF BEGINNING of the parcel of land being described; said parallel line also being the southwesterly line of that certain parcel of land described in Grant Deed in favor of the City of Riverside by document recorded May 4, 1979, as Instrument No. 91659 of Official Records of said Riverside County;

THENCE North $34^{\circ}20'30''$ West, along said parallel line and along said southwesterly line, a distance of 176.17 feet to the beginning of a non-tangent curve concaving southwesterly, having a radius of 46.50 feet and to which the radius bears South $28^{\circ}50'38''$ West;

THENCE northwesterly to the left along said curve through a central angle of $21^{\circ}55'32''$ an arc length of 17.79 feet to a point in the southeasterly line of said parcel of land described in said document recorded May 4, 1979; said point being in a non-tangent curve concaving northwesterly, having a radius of 203.00 feet and to which the radius bears North $30^{\circ}42'52''$ West; said southeasterly line also being concentric with and distant 33.00 feet southeasterly, as measured at radially, from the centerline of Bonita Avenue as shown by said map;

THENCE westerly to the right along said last mentioned curve through a central angle of $4^{\circ}46'56''$ an arc length of 16.94 feet;

THENCE South $25^{\circ}55'56''$ East, a distance of 3.00 feet to a point in line that is concentric with and distant 3.00 feet southeasterly, as measured radially, from said southeasterly line of said parcel of land described in said document recorded May 4, 1979; said point being the beginning of a non-tangent curve concaving northwesterly, having a radius of 206.00 feet and to which the radius bears North $25^{\circ}55'56''$ West;

THENCE easterly to the left along said last mentioned curve through a central angle of $4^{\circ}30'37''$ an arc length of 16.22 feet to a line that is parallel with and distant 67.00 feet southwesterly, as measured at right angles, from said centerline of Tyler Street;

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THENCE South 34°20'30" East, along said last mentioned parallel line, a distance of 187.22 feet to said southeasterly line of Lot 7;

THENCE North 55°39'30" East, along said southeasterly line of Lot 7, a distance of 12.00 feet to the POINT OF BEGINNING.

Area - 2264 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, L.S. 5855

9/19/2012 Prep. _____
Date



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 October 21, 2015, I served the JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

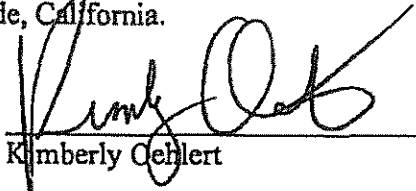
Peter Sunukjian, Esq.
Jeffrey Weber, Esq.
Law Offices of Briggs & Alexander
558 S. Harbor Blvd., Suite 100
Anaheim, CA 92805

Attorneys for defendant:
Tyler Center, Inc.

- (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.
- () **PERSONAL** - I caused such envelope to be delivered by hand to the above-listed addressee pursuant to C.C.P. § 1011.
- () **VIA OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c). Said document was deposited at the box regularly maintained by said express service carrier on the date set forth above.

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

Executed on October 21, 2015, at Riverside, California.



Kimberly Cehlert

This must be in red to be a
"CERTIFIED COPY"

Each document to which this certificate is attached is certified to be a full, true and correct copy of the original on file and of record in my office.

Superior Court of California
County of Riverside

By 
DEPUTY

Dated: 10/29/15



Certification must be in red to be a
"CERTIFIED COPY"

D-17245