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Riverside City Attorney's Office  
3900 Main Street  
Riverside, CA 92522  
Ref: CA# L14-0033.05

**2015-0480318**

11/02/2015 11:32 AM Fee: \$ 0.00

Page 1 of 10

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 § 27383<sup>1</sup>)

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**JUDGMENT AND FINAL ORDER OF CONDEMNATION  
RE ASSESSOR'S PARCEL NUMBER 143-140-007  
CASE NO. RIC1403492**

**D-17246**

<sup>1</sup> 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-17246

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

OCT 23 2015

*Mitchell Km*

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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. RIC1403492  
municipal corporation, ) ASSIGNED TO THE HONORABLE  
12 ) JUDGE JOHN W. VINEYARD  
Plaintiff, ) Dept. 7  
13 )  
14 vs. ) JUDGMENT AND FINAL ORDER OF  
425 ANDERWOOD RE HOLDINGS, LLC, an ) CONDEMNATION  
15 Alaska limited liability company; et al., )  
16 Defendants. ) [Application for Entry of Judgment and Final  
Order of Condemnation submitted  
concurrently herewith.]

17  
18 Complaint Filed: 04/09/2014

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

23 IT IS HEREBY FOUND AND DETERMINED:

24 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of  
25 the State of California, section 4090 of the Streets and Highways Code of the State of California,  
26 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section  
27 19 of the Constitution of the State of California, City of Riverside is authorized to acquire real  
28 property or interests therein for public uses and purposes, to wit: to widen approximately one  
mile of Tyler Street between Hole and Wells Avenues.

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

<u>APN</u>	<u>Interest to be Acquired</u>
143-140-007	Street and highway easement and temporary construction easement

7           3.     After a duly noticed public hearing and an opportunity to be heard in compliance  
8 with Code of Civil Procedure section 1245.235, on March 25, 2014, plaintiff's City Council  
9 adopted Resolution Number 22641 authorizing plaintiff to acquire the property described in the  
10 attached exhibit "A" by eminent domain (collectively "Subject Property"). In compliance with  
11 sections 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and  
12 determined that: (a) the public interest and necessity require the proposed project, (b) the  
13 proposed project is planned and located in the manner that will be the most compatible with the  
14 greatest public good and least private injury, (c) the acquisition and taking of interests in the  
15 property sought to be acquired are necessary for the Project, and (d) the offer required by section  
16 7267.2 of the Government Code has been made to the owners of record of the Subject Property.

17           4.     Plaintiff named the following defendants this eminent domain action:

<u>Defendant Name</u>	<u>Property Interest</u>
425 Anderwood RE Holdings, LLC	Owner
Harold A. Castleman	Easement holder
Alma J. Castleman	Easement holder
Southern California Edison Company	Easement holder
UnionBanCal Mortgage Corporation	Trustee under Deed of trust
Union Bank, N.A. (which appeared in this action as MUFJ Union Bank, N.A., f/k/a/ Union Bank, N.A.)	Beneficiary under deed of trust

27     ///

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1 5. On or about June 30, 2014, the City filed an Amendment to Complaint  
2 designating Heirs and Devisees of Harold A. Castleman and Alma J. Castleman, Deceased, and  
3 All Persons Claiming By, Through, and Under Said Decedents as defendant Doe 1.

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Southern California Edison Company	June 26, 2014
UnionBanCal Mortgage Corporation	July 25, 2014
MUFG Union Bank, N.A., f/k/a/ Union Bank, N.A.	July 25, 2014

11 7. The following defendant has been regularly served with process herein and  
12 having failed to appear or answer within the time allowed by law, had its default taken on the  
13 date indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Heirs and Devisees of Harold A. Castleman and Alma J. Castleman, Deceased, and All Persons Claiming By, Through, and Under Said Decedents	September 1, 2015

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Harold A. Castleman	September 26, 2014
Alma J. Castleman	September 26, 2014
All Persons Unknown Claiming an Interest in the Property	September 1, 2015

25 9. As to defendant 425 Anderwood RE Holdings, LLC, ("Anderwood") only:  
26 a) Beginning on June 1, 2015, a jury trial was held;  
27 b) Judgment in Condemnation as to Anderwood was entered by this court on  
28 July 1, 2015;

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c) Final Order of Condemnation as to Anderwood was entered by this court on August 19, 2015.

10. On March 27, 2014, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Twelve Thousand Nine Hundred Dollars (\$12,900.00) as a deposit of probable just compensation for the property sought to be acquired in this eminent domain action, which has not been withdrawn and remains on deposit with the State.

11. An Order of Prejudgment Possession became effective in and to the property described in the attached exhibit 'A' on September 11, 2014.

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

NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED:

1) Judgment in condemnation is hereby made in favor of the City of Riverside. The following defendants are entitled to no compensation or damages: Southern California Edison Company; UnionBanCal Mortgage Corporation; MUFG Union Bank, N.A., f/k/a/ Union Bank, N.A.; and Heirs and Devisees of Harold A. Castleman and Alma J. Castleman, Deceased, and All Persons Claiming By, Through, and Under Said Decedents.

2) The State Treasurer is authorized and directed to disburse to plaintiff the sum of Twelve Thousand Nine Hundred Dollars (\$12,900.00) from those funds on deposit in the Condemnation Fund 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 5<sup>th</sup> Floor  
Riverside, CA 92522

///  
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1 . WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF  
2 CONDEMNATION:

3 The interests of Southern California Edison Company; UnionBanCal Mortgage  
4 Corporation; MUFJ Union Bank, N.A., f/k/a/ Union Bank, N.A; and Heirs and Devisees of  
5 Harold A. Castleman and Alma J. Castleman, Deceased, and All Persons Claiming By, Through,  
6 and Under Said Decedents, in the real property described in the attached exhibit 'A' are hereby  
7 condemned for the public use and purpose described in the complaint herein, to wit, to widen  
8 approximately one mile of Tyler Street between Hole and Wells Avenues, plaintiff to take title to  
9 the interest(s) of said defendants in said real property together with all improvements thereon in  
10 which said defendant has an interest, and except as otherwise described in the attached exhibit  
11 "A," free and clear of any and all liens, encumbrances, easements, and leaseholds of whatever  
12 kind or nature.

13 The interests condemned to the City of Riverside in and to Assessor's Parcel Number  
14 143-140-007 are legally described in Exhibit 'A' hereto.

16 DATED: 10/21 2015

  
JUDGE OF THE SUPERIOR COURT  
RAQUELA MARQUEZ

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L14-0033.05

EXHIBIT A.

D-17246

POR. APN: 143-140-007  
Street & Highway Easement

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

That portion of Block 7 of La Sierra Heights Tract No. 3, as shown by map on file in Book 8, Page 27 of Maps, records of said Riverside County, described as follows:

**BEGINNING** at the most northerly corner of Lot "A" of Castle Homes, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County; said corner being in a line that is parallel with and distant 40.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street (formerly Tyler Avenue) as shown by said map of Castle Homes;

THENCE North  $34^{\circ}20'30''$  West, along said parallel line, a distance of 135.00 feet to the most easterly corner of that certain parcel of land conveyed to the City of Riverside by Grant Deed recorded July 11, 1969, as Instrument No. 70916 of Official Records of said Riverside County;

THENCE South  $57^{\circ}55'$  West, along the southeasterly line of said parcel of land and along a line parallel with the northwesterly line of said Lot "A", a distance of 10.01 feet to a line that is parallel with and distant 50.00 feet southwesterly, as measured at right angles, from said centerline of Tyler Street; the preceding two courses also being along the northeasterly and northwesterly lines of that certain parcel of land described in deed to 425 Anderwood RE Holdings, LLC, an Alaska limited liability company, by document recorded September 24, 2010, per Document No. 2010-0458746 of Official Records of said Riverside County;

THENCE South  $34^{\circ}20'30''$  East, along said last mentioned parallel line, a distance of 135.00 feet to said northwesterly line of Lot "A";

THENCE North  $57^{\circ}55'$  East, along said northwesterly line of Lot "A", a distance of 10.01 feet to the **POINT OF BEGINNING**.

Containing 1,350 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.

 4/29/2011 Prep. \_\_\_\_\_  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/11



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*FOR A.P.N. 143-140-007  
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 Block 7 of Tract No. 3 of La Sierra Heights, as shown by map filed in Map Book 8, Page 27, records of said Riverside County, described as follows:

COMMENCING at the most northerly corner of Lot "A" of Castle Homes, as shown by map on file in Book 36, Pages 17 and 18 of Maps, records of said Riverside County; said corner being in a line that is parallel with and distant 40.00 feet southwesterly, as measured at right angles, from the centerline of Tyler Street (formerly Tyler Avenue) as shown by said map of Castle Homes;

THENCE South  $57^{\circ}55'00''$  West, along the northwesterly line of said Lot "A", a distance of 10.01 feet to a line that is parallel with and distant 50.00 feet southwesterly, as measured at right angles, from said centerline of Tyler Street, and being the POINT OF BEGINNING of the parcel of land being described;

THENCE North  $34^{\circ}20'30''$  West, along said parallel line, a distance of 135.00 feet to the southeasterly line of that certain parcel of land conveyed to the City of Riverside by Grant Deed recorded July 11, 1969, as Instrument No. 70916 of Official Records of said Riverside County;

THENCE South  $57^{\circ}55'00''$  West, along said southeasterly line and along the southwesterly prolongation of said southeasterly line, a distance of 5.50 feet to a line that is parallel with and distant 55.50 feet southwesterly, as measured at right angles, from said centerline of Tyler Street;

THENCE South  $34^{\circ}20'30''$  East, along said last mentioned parallel line, a distance of 135.00 feet to said northwesterly line of Lot "A";

THENCE North  $57^{\circ}55'00''$  East, along said northwesterly line, a distance of 5.50 feet to the POINT OF BEGINNING.

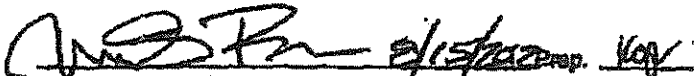
Area - 743 square feet, more or less.

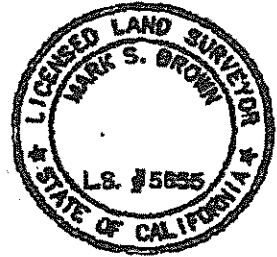
This temporary easement and right-of-way shall terminate 9 months after issuance of the notice

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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                      Date 11/22/15 10/15/15



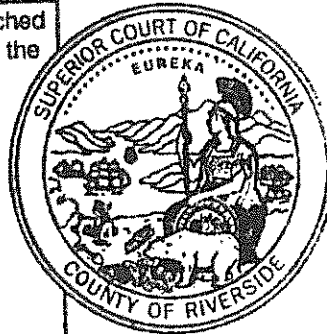
This must be in red to be a  
"CERTIFIED COPY"

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"