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3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.26

2017-0174499

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Page 1 of 12

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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Space above this line reserved for Recorder's use.

JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1613833

D- 17408

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-17408

1 GARY G. GEUSS, City Attorney, SBN 128022
2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
3 REBECCA L. MCKEE, Deputy City Attorney, SBN 279485
4 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
5 OFFICE OF THE CITY ATTORNEY
6 3750 University Avenue, Suite 250
7 Riverside CA 92501
8 Tel: (951) 826-5567
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10 rmckee@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
APR 11 2017
K. Rahlwee

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

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF RIVERSIDE

14 CITY OF RIVERSIDE, a California charter city and) Case No. RIC1613833
15 municipal corporation,) Assigned for all purposes to the
16 Plaintiff,) Honorable Judge Irma Asberry
17) Department 3
18 vs.)
19) **JUDGMENT AND FINAL ORDER OF**
20) **CONDEMNATION**
21) Complaint filed: 10/20/2016
22) CMC: 04/18/2017
23)
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29 This Judgment and Final Order of Condemnation is made following disposition through
30 the court proceedings described below of all parties and property interests alleged in the
31 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
32 Riverside (hereinafter "City"), by and through Brandon S. Mercer, Deputy City Attorney, and
33 defendants Carlos L. Solis and Laura Solis (collectively "Defendants"), by and through their
34 attorney of record, David F. Hubbard, that a Judgment and Final Order of Condemnation as to
35 Assessor's Parcel Number ("APN") 150-232-019 may be made and entered herein in accordance
36 with the terms and conditions hereof without further notice to said Defendants,

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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: install approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV substation, improvements to five existing substations, relocation of existing distribution lines, and installation of new telecommunication lines, from Riverside's Energy Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

2. After a duly noticed public hearing and an opportunity to be heard in compliance with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council adopted Resolution Number 23070 authorizing plaintiff to acquire the property described in the attached exhibit "A" by eminent domain ("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.

3. Plaintiff named the following defendants in this action:

<u>Defendants Name</u>	<u>Property Interest</u>
Carlos L. Solis	Owner
Laura Solis	Owner
First American Loanstar Trustee Services	Deed of Trust Trustee

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<u>Defendants Name</u>	<u>Property Interest</u>
U.S. Bank National Association, Successor Trustee to Bank of America, N.A., Successor by Merger to Lasalle Bank, N.A., as Trustee for the First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1	Deed of Trust Beneficiary
All persons unknown claiming an interest in the property	Potential Claimant

4. The interest of Defendants in and to the real property designated in the complaint as APN 150-232-019 is fee simple absolute. The interest being acquired by the City through this eminent domain action is a public utilities easement, as more particularly described in Exhibit 'A' hereto.

5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to APN 150-232-019, and the right and time for appeal.

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

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

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

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1 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
2 plaintiff to Defendants is the sum of Thirty-five Thousand Dollars (\$35,000.00) ("Award").

3 10. On September 15, 2016, the City deposited the sum of Twenty-one Thousand
4 Three Hundred Dollars (\$21,300.00) ("Deposit") with the Treasurer of the State of California,
5 Condemnation Fund, as the probable amount of just compensation for APN 150-232-019.

6 11. No funds have been withdrawn from the Deposit and \$21,300.00 remains on
7 deposit with the State Treasurer condemnation fund.

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

10 13. An Order of Prejudgment Possession becomes effective as to Defendants' interest
11 in and to APN 150-232-019 on or about April 13, 2017.

12 14. The use for which an interest in and to APN 150-232-019 is being acquired is a
13 use authorized by law and the acquisition of said interest is necessary to said use.

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All Persons Unknown Claiming an Interest in the Property	01/19/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
U.S. Bank National Association, etc.	02/27/2017

24 17. The following defendant filed a disclaimer on the date indicated below and is
25 entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
First American Loanstar Trustee Services	11/16/2016

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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 defendants Carlos L. Solis and Laura Solis (collectively "Defendants") in and to APN 150-232-019 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 Defendants shall be entitled by reason of the condemnation of and construction activities by plaintiff on APN 150-232-019 as described in, and limited by, Exhibit A hereto.

3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of Twenty-one Thousand Three Hundred Dollars (\$21,300.00) 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.
3750 University Ave. #250
Riverside, CA 92501

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

David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th St. #214
Riverside CA 92501

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

4 6. An Order of Prejudgment Possession will become effective as to the interest of
5 Defendants in and to APN 150-232-019 on April 13, 2017.

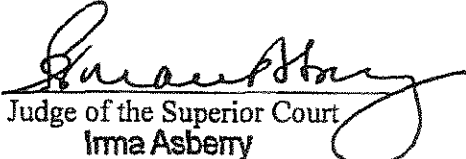
6 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
7 CONDEMNATION:

8 The interest of defendants Carlos L. Solis, Laura Solis, First American Loanstar Trustee
9 Services, and U.S. Bank National Association, Successor Trustee to Bank of America, N.A.,
10 Successor by Merger to Lasalle Bank, N.A., as Trustee for the First Franklin Mortgage Loan
11 Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1 (collectively "Defendants")
12 in the real property described in Exhibit "A" as to Assessor's Parcel Number 150-232-019 is
13 hereby condemned for the public use and purposes described in the Complaint as installing
14 approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV
15 substation, improvements to five existing substations, relocation of existing distribution lines,
16 and installation of new telecommunication lines, from Riverside's Energy Resource Center
17 (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations. Plaintiff
18 City of Riverside to take title to the interests of Defendants in said real property, as described in
19 and limited by Exhibit A hereto, together with all improvements thereon in which said
20 Defendants have an interest, free and clear of any and all liens, encumbrances, easements, and
21 leaseholds, of whatever kind or nature.

22 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
23 150-232-019 are legally described in Exhibit 'A' hereto.

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DATED: 4-10-17


Judge of the Superior Court
Irma Asberry

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EXHIBIT A

D-17408

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<u>Defendants Name</u>	<u>Property Interest</u>
U.S. Bank National Association, Successor Trustee to Bank of America, N.A., Successor by Merger to Lasalle Bank, N.A., as Trustee for the First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1	Deed of Trust Beneficiary
All persons unknown claiming an interest in the property	Potential Claimant

4. The interest of Defendants in and to the real property designated in the complaint as APN 150-232-019 is fee simple absolute. The interest being acquired by the City through this eminent domain action is a public utilities easement, as more particularly described in Exhibit 'A' hereto.

5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to APN 150-232-019, and the right and time for appeal.

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

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

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

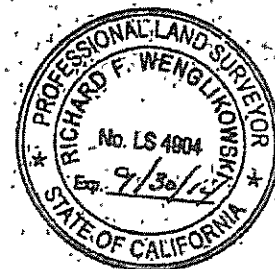
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Thence southeasterly on the southwesterly line of said Lot 6, a distance of 360 feet, to the Point of Beginning.

Containing 0.03 Acres or 1,484 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.


Richard F. Wenglikowski, L.S. 4904 8/17/14 Date



DESCRIPTION APPROVAL:

BY:  9/15/2014 DATE
FOR: CURTIS C. STEPHENS, L.S. 7619
CITY SURVEYOR

PROOF OF SERVICE
City of Riverside v. Carlos Solis
RIC1613833

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 March 30, 2017, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

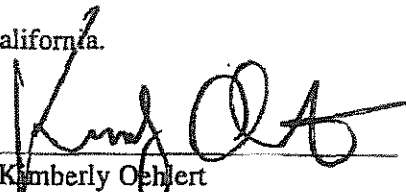
David F. Hubbard, Esq.
HUBBARD LAW FIRM
3890 11th St. #214
Riverside CA 92501
Tel: (951) 686-2660
Fax: (951) 686-5970

Attorneys for defendants:
Carlos L. Solis and Laura Solis

(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.

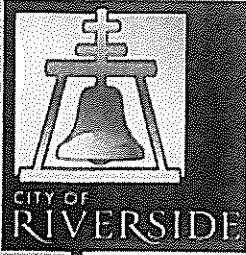
I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on March 30, 2017, at Riverside, California.



Kimberly Oehlert

D-17408



MEMORANDUM
CITY ATTORNEY'S OFFICE

TO: City Clerk
FROM: Kimberly Oehlert
DATE: May 18, 2017
RE: CITY V. CARLOS L. SOLIS (RIVERSIDE TRANSMISSION RELIABILITY PROJECT); CA L16-0089.26; RIVERSIDE SUPERIOR COURT CASE NO. RIC1613833

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Enclosed is the original recorded Judgment and Final Order of 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

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