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Page 1 of 10

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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
CASE NO. RIC1615800

D-17418

(8)

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-17418

1 GARY G. GEUSS, City Attorney, SBN 128022
2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
3 BRANDON S. MERCER, Deputy City Attorney, SBN 244413
4 REBECCA L. MCKEE, Deputy City Attorney, SBN 279485
5 OFFICE OF THE CITY ATTORNEY
6 3750 University Avenue, Suite 250
7 Riverside CA 92501
8 Tel: (951) 826-5567
9 Fax: (951) 826-5540
10 bmercer@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 28 2017

K. Rahlwes 

JUN 30 2017

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

11 CITY OF RIVERSIDE, a California charter city and)
12 municipal corporation,)
13 Plaintiff,)
14 vs.)
15 DANIEL DE LA TORRE; et al.,)
16 Defendants.)

Case No. RIC1615800
Assigned for all purposes to the
Honorable Judge Irma Asberry
Department 3
**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**
Complaint filed: 12/01/2016
OSC re Dismissal: 09/13/2017

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

22 IT IS HEREBY FOUND AND DETERMINED:

23 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
24 the State of California, section 1240.010 of the Code of Civil Procedure of the State of
25 California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of
26 Riverside ("City") is authorized to acquire real property or interests therein for public uses and
27 purposes, to wit: to install approximately 10 miles of 69kV sub-transmission lines, construct a
28 new 230kV to 69kV substation, improve five existing substations, relocate existing distribution

D-17418

1 lines, and install new telecommunication lines, from Riverside's Energy Resource Center
2 (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

3 2. The City commenced this eminent domain action to condemn a public utility
4 easement which is legally described in the attached exhibit "A."

5 3. After a duly noticed public hearing and an opportunity to be heard in compliance
6 with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council
7 adopted Resolution Number 23062 authorizing plaintiff to acquire the property described in the
8 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
9 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
10 that: (a) the public interest and necessity require the proposed project, (b) the proposed project is
11 planned and located in the manner that will be the most compatible with the greatest public good
12 and least private injury, (c) the acquisition and taking of interests in the property sought to be
13 acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
14 Government Code has been made to the owners of record of the Subject Property.

15 4. Plaintiff named the following defendants in this action:

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<u>Defendant Name</u>	<u>Property Interest</u>
✓ Daniel De La Torre	Owner
✓ Liseth De La Torre	Owner
✓ Juan J. De La Torre	Owner
✓ Maria De La Torre	Owner
First American Title Company	Deed of Trust Trustee
Primary Residential Mortgage, Inc.	Potential Claimant
✓ Mortgage Electronic Registration Systems, Inc.	Deed of Trust Beneficiary
All persons unknown claiming an interest in the property	Potential Claimant

D-17418

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5. The following defendant was dismissed on the date indicated below and is entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All persons unknown claiming an interest in the property	01/24/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Daniel De La Torre	05/24/2017
Liseth De La Torre	05/24/2017
Juan J. De La Torre	05/24/2017
Maria De La Torre	05/24/2017
Primary Residential Mortgage, Inc.	04/27/2017
Mortgage Electronic Registration Systems, Inc.	04/24/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
First American Title Company	12/14/2017

8. On September 15, 2016, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Four Thousand Nine Hundred Dollars (\$4,900.00) as a deposit of probable just compensation ("Condemnation Deposit") for the property described in the attached exhibit "A."

9. The Condemnation Deposit has not been withdrawn and remains on deposit with the State's Treasurer's Office.

D-17418

1 10. An Order of Prejudgment Possession (“OPP”) as to the property described in the
2 attached exhibit “A” was filed by the court herein on April 11, 2017. Said OPP became effective
3 on May 18, 2017.

4 11. The use for which an interest in and to the property described in the attached
5 exhibit “A” is being acquired is a use authorized by law and the acquisition of said interest is
6 necessary to said use.

7 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
8 condemnation is hereby made in favor of the City of Riverside. The following defendants are
9 entitled to no compensation or damages: First American Title Company; Primary Residential
10 Mortgage, Inc.; and Mortgage Electronic Registration Systems, Inc. The Condemnation Deposit
11 remains on deposit with the State Treasurer’s office for the benefit of Daniel De La Torre, Liseth
12 De La Torre, Juan J. De La Torre, and Maria De La Torre as owners of the Subject Property.

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

15 The interests of defendants Daniel De La Torre; Liseth De La Torre; Juan J. De La Torre;
16 Maria De La Torre; First American Title Company; Primary Residential Mortgage, Inc.; and
17 Mortgage Electronic Registration Systems, Inc., in the real property described in the attached
18 exhibit “A” are hereby condemned for the public use and purpose described in the complaint
19 herein, to install approximately 10 miles of 69kV sub-transmission lines, construct a new 230kV
20 to 69kV substation, improve five existing substations, relocate existing distribution lines, and
21 install new telecommunication lines, from Riverside’s Energy Resource Center (RERC) to
22 Riverside Public Utilities’ (RPU) Harvey Lynn and Freeman Substations, plaintiff to take title to
23 the interest(s) of said defendants in said real property together with all improvements thereon in
24 which said defendant has an interest, and except as otherwise described in the attached exhibit

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D-17413

1 "A," free and clear of any and all liens, encumbrances, easements, and leaseholds of whatever
2 kind or nature.

3 The interest condemned to the City of Riverside in and to Assessor's Parcel Number 147-
4 240-029 is legally described in Exhibit "A" hereto.

5 _____
6 DATED: 6-23-17 Ima Asberry
7 JUDGE OF THE SUPERIOR COURT
8 Ima Asberry
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EXHIBIT A

D-17418

**Public Utility Easement
POR. A.P.N. 147-240-029**

All that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

The southeasterly 2.0 feet of that portion of Lot 12 in Block 10 of La Granada, in the City of Riverside, County of Riverside, State of California, as per Map recorded in Book 12, Pages 42 to 51 inclusive of Maps, in the office of the County Recorder of said County, more particularly described as follows:

Beginning at the most southerly corner of said Lot 12;

Thence North $47^{\circ} 54' 21''$ East on the southeasterly line of said Lot 12, a distance of 121.7 feet to the northeasterly line of that certain parcel of land described in Exhibit "A" of document recorded April 3, 2007 per Document No. 2007-0225544 of Official Records of said Riverside County;

Thence northwesterly along said northeasterly line to a point on the northwesterly line of said Lot 12, which bears North $45^{\circ} 54' 21''$ East, 122 feet from the most westerly corner thereof;

Thence South $45^{\circ} 54' 21''$ West on said northwesterly line, 122 feet to the most westerly corner of said Lot 12;

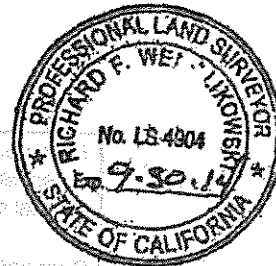
D-17418

Thence South 30° 19' East on the southwesterly line of said Lot 12, a distance of 310.46 feet to the Point of Beginning.

Containing 0.006 Acres or 243 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. 4804 Date 5/5/18



DESCRIPTION APPROVAL:

BY:  Date 6/3/2018
FOR: CURTIS O. STEPHENS, L.S. 7510
CITY SURVEYOR

D-17418