

2017-0289950

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Peter Aidana
Assessor-County Clerk-Recorder



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Riverside City Attorney's Office
3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.25

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. RIC1613436 D-17437

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-17437

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 11 2017
L. Howell
L. Howell

KD
1076192017

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. RIC1613436
15 municipal corporation,) Assigned for all purposes to the
16 Plaintiff,) Honorable Judge Sunshine S. Sykes
17) Dept. 6
18 vs.)
19) **JUDGMENT AND FINAL ORDER OF**
20 EDOUARD L. SLACK, etc.; et al,) **CONDEMNATION**
21)
22 Defendants,) Complaint filed: 10/13/2016

23 This Judgment and Final Order of Condemnation is made following disposition through
24 the court proceedings described below of all parties and property interests alleged in the
25 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of
26 Riverside (hereinafter "City"), by and through Rebecca L. McKee, Deputy City Attorney, and
27 defendants Edouard L. Slack and Kay D. Slack, and Successors, as Trustees of the Slack Family
28 Trust Dated December 6, 1991 (collectively "Defendants"), that a Judgment and Final Order of
Condemnation as to Assessor's Parcel Number ("APN") 147-260-002 may be made and entered
herein in accordance with the terms and conditions hereof without further notice to said

Defendants,
///
///

CLERK OF SUPERIOR COURT
COUNTY OF RIVERSIDE
3750 UNIVERSITY AVENUE, SUITE 250
RIVERSIDE, CA 92501
(951) 826-5567

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

11 2. After a duly noticed public hearing and an opportunity to be heard in compliance
12 with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council
13 adopted Resolution Number 23065 authorizing plaintiff to acquire the property described in the
14 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
15 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
16 that: (a) the public interest and necessity require the proposed project, (b) the proposed project
17 is planned and located in the manner that will be the most compatible with the greatest public
18 good and least private injury, (c) the acquisition and taking of interests in the property sought to
19 be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
20 Government Code has been made to the owners of record of the Subject Property.

21 3. Plaintiff named the following defendants in this action:

22

<u>Defendants Name</u>	<u>Property Interest</u>
Edouard L. Slack, and Successors, as Trustees of the Slack Family Trust Dated December 6, 1991	Owner
Kay D. Slack, and Successors, as Trustees of the Slack Family Trust Dated December 6, 1991	Owner
Jack Goodman	Tenant
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 APN 147-260-002 is fee simple absolute. The interest being acquired by the City through this
3 eminent domain action is a public utilities easement, as more particularly described in Exhibit
4 '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 APN 147-260-002, and the right and time for appeal.

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

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

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

22 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
23 plaintiff to Defendants is the sum of Eleven Thousand Dollars (\$11,000.00) ("Award").

24 10. On September 15, 2016, the City deposited the sum of Eight Thousand Dollars
25 (\$8,000.00) ("Deposit") with the Treasurer of the State of California, Condemnation Fund, as
26 the probable amount of just compensation for APN 147-260-002.

27 11. No funds have been withdrawn from the Deposit and \$8,000.00 remains on
28 deposit with the State Treasurer condemnation fund.

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

3 13. An Order of Prejudgment Possession became effective as to Defendants' interest
4 in and to APN 147-260-002 on or about April 1, 2017.

5 14. The use for which an interest in and to APN 147-260-002 is being acquired is a
6 use authorized by law and the acquisition of said interest is necessary to said use.

7 15. The following defendant was dismissed from this action on the date indicated
8 below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All Persons Unknown Claiming an Interest in the Property	01/10/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Jack Goodman	04/21/2017

17 17. Pursuant to the Stipulation, the City warrants and represents the following
18 provisions consistent with the Zoning Code in effect at the time of execution of this stipulation
19 related to the real property commonly known as Assessor's Parcel Number 147-260-002 ("The
20 Property"):

21 a. Riverside Municipal Code currently defines the term "setback" as "the
22 distance from a defined point or line governing the placement of buildings, structures, parking or
23 uses on a lot." Further, "Setback Building Line, Front" (i.e. Front Setback) is defined as "a line
24 parallel with the front lot line or planned street line and located at the required front yard setback
25 for regular lots...."

26 b. Setbacks are measured from property lines regardless of any easement(s).

27 c. The public utilities easement being acquired by the City through this
28 eminent domain action: 1) is located entirely within the existing twenty-foot setback area; and 2)

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1 shall have no impact on any current or future property owner's rights to develop or redevelop
2 The Property in conformance with any applicable Zoning Code conditions in force at such time,
3 excepting therefrom the purposes expressly stated in the easement described in Exhibit A hereto.

4 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 1. The total compensation, award, and damages to be paid as a result of the
6 condemnation of the interests of defendants Edouard L. Slack and Kay D. Slack, and
7 Successors, as Trustees of the Slack Family Trust Dated December 6, 1991 (collectively
8 "Defendants") in and to APN 147-260-002 is the total sum of Eleven Thousand Dollars
9 (\$11,000.00).

10 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
11 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
12 including, but not limited to, those defined in California Code of Civil Procedure section
13 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
14 damages, if any, to which Defendants shall be entitled by reason of the condemnation of and
15 construction activities by plaintiff on APN 147-260-002 as described in Exhibit A hereto.

16 3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of
17 Eight Thousand Dollars (\$8,000.00) from those funds on deposit in the Condemnation Fund in
18 connection with the above-entitled matter. Payment of said funds shall be made payable to "City
19 of Riverside" and forwarded to:

20 Office of the City Attorney
21 c/o Rebecca L. McKee, Esq.
22 3750 University Ave. #250
Riverside, CA 92501

23 4. The Award in the amount of Eleven Thousand Dollars (\$11,000.00) shall be paid
24 by plaintiff outside these court proceedings to Defendants as follows: the draft shall be made
25 payable to "Edouard L. Slack and Kay D. Slack" and forwarded to:

26 Edouard L. Slack and Kay D. Slack, Trustees of the
27 Slack Family Trust Dated December 6, 1991
28 16400 Lois Lane
Riverside CA 92503

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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 became effective as to the interest of
5 Defendants in and to APN 147-260-002 on April 1, 2017.

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

8 The interest of defendants Edouard L. Slack and Kay D. Slack, and Successors, as
9 Trustees of the Slack Family Trust Dated December 6, 1991; and Jack Goodman (collectively
10 "Defendants") in the real property described in Exhibit "A" as to Assessor's Parcel Number
11 147-260-002 is hereby condemned for the public use and purposes described in the Complaint as
12 installing approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV
13 to 69kV substation, improvements to five existing substations, relocation of existing distribution
14 lines, and installation of new telecommunication lines, from Riverside's Energy Resource
15 Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.
16 Plaintiff City of Riverside to take title to the interests of Defendants in said real property, as
17 described in Exhibit A hereto, together with all improvements thereon in which said Defendants
18 have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of
19 whatever kind or nature.

20 The interests condemned to the City of Riverside in and to Assessor's Parcel Number
21 147-260-002 are legally described in Exhibit 'A' hereto.

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DATED: 10 JULY 17 *Dallen Hobner*
Judge of the Superior Court

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116-0089.25

EXHIBIT A

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Public Utility Easement
POR. A.P.N. 147-260-002

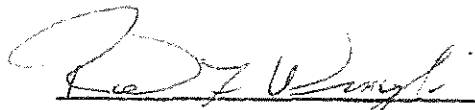
All that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

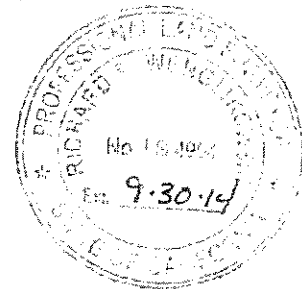
The southwesterly 12.0 feet of the northwesterly 70 feet of the southeasterly 140 feet of Lot 5 in Block 32 of La Granada, in the City of Riverside, County of Riverside, State of California, as shown by Map on file in Book 12, Page(s) 42 to 51, inclusive, of Maps, records of Riverside County, California.

Said 70 feet of said 140 feet being measured along the southwesterly line of said Lot 5, and the northwesterly and southeasterly lines of said northwesterly 70 feet being parallel with the southeasterly line of said Lot 5.

Containing 0.02 Acres or 840 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 5/5/13
Date



DESCRIPTION APPROVAL:

BY: _____ DATE

FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

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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 3750 University Avenue #250, Riverside, California 92501.

On July 5, 2017, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

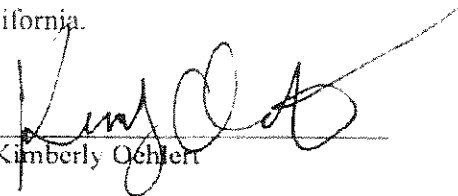
Edouard L. Slack
Kay D. Slack
16400 Lois Lane
Riverside CA 92503

Defendants:
Edouard L. Slack, and Successors, as
Trustees of the Slack Family Trust
Dated December 6, 1991; and
Kay D. Slack, and Successors, as
Trustees of the Slack Family Trust
Dated December 6, 1991

(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.

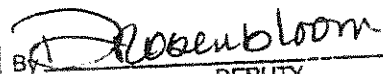
Executed on July 5, 2017, at Riverside, California.


Kimberly Oehfert

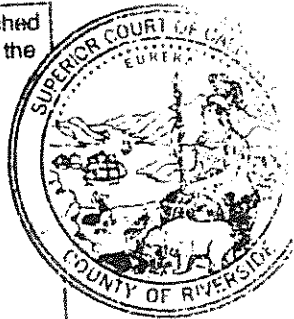
This must be in red to be a
"CERTIFIED COPY"

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: 7/14/17



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

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