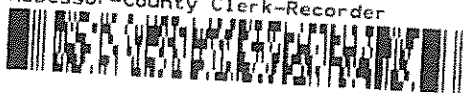


2017-0344742

08/21/2017 10:12 AM Fee: \$ 0.00

Page 1 of 10

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



When Recorded Mail To:

Riverside City Attorney's Office
3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.19

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

2569					R	A	Exam: <i>ack</i>		
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC
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Space above this line reserved for Recorder's use.

JUDGMENT AND FINAL ORDER OF CONDEMNATION

CASE NO. RIC1616176

D-17438

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-17438

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 26 2017

C. COSIO

JUL 27 2017
10:01 AM

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
9 Fax: (951) 826-5540
10 rmckee@riversideca.gov

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)
15 municipal corporation,)
16 Plaintiff,)

17 vs.)

18 WIN NGUYEN; et al.,)
19 Defendants.)

20 Case No. RIC1616176)
21 Assigned for all purposes to the)
22 Honorable Judge Sunshine S. Sykes)
23 Department 6)

24 JUDGMENT AND FINAL ORDER OF
25 CONDEMNATION

26 Case Filed: 12/08/2016
27 CMC: 06/06/2017

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

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 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 ("City") is authorized to acquire real property or interests therein for public uses and purposes, to wit: to install approximately 10 miles of 69kV sub-transmission lines, construct a

CITY ATTORNEY'S OFFICE
3750 UNIVERSITY AVE. #250
RIVERSIDE CA 92501
(951) 826-5567

D-17438

1 new 230kV to 69kV substation, improve five existing substations, relocate existing distribution
2 lines, and install new telecommunication lines, from Riverside's Energy Resource Center
3 (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

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

6 3. After a duly noticed public hearing and an opportunity to be heard in compliance
7 with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council
8 adopted Resolution Number 23063 authorizing plaintiff to acquire the property described in the
9 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
10 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
11 that: (a) the public interest and necessity require the proposed project, (b) the proposed project is
12 planned and located in the manner that will be the most compatible with the greatest public good
13 and least private injury, (c) the acquisition and taking of interests in the property sought to be
14 acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
15 Government Code has been made to the owners of record of the Subject Property.

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

<u>Defendant Name</u>	<u>Property Interest</u>
Win Nguyen	Owner
Anh Nguyen	Owner
Tin Tran	Owner
All persons unknown claiming an interest in the property	Potential Claimant

23
24 5. The following defendant was dismissed on the date indicated below and is entitled
25 to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All persons unknown claiming an interest in the property	01/24/17

D-17438

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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>
Win Nguyen	04/21/2017
Anh Nguyen	04/21/2017
Tin Tran	04/21/2017

7. On September 15, 2016, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Three Thousand Three Hundred Dollars (\$3,300.00) as a deposit of probable just compensation ("Condemnation Deposit") for the property described in the attached exhibit "A."

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

9. An Order of Prejudgment Possession ("OPP") as to the property described in the attached exhibit "A" was filed by the court herein on April 6, 2017. Said OPP became effective on May 7, 2017.

10. 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 that judgment in condemnation is hereby made in favor of the City of Riverside. The following defendant is entitled to no compensation or damages: All persons unknown claiming an interest in the property. The Condemnation Deposit remains on deposit with the State Treasurer's office for the benefit of Win Nguyen, Anh Nguyen, and Tin Tran as owners of the Subject Property.

WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF CONDEMNATION:

The interests of defendants Win Nguyen, Anh Nguyen, and Tin Tran in the real property described in the attached exhibit "A" are hereby condemned for the public use and purpose

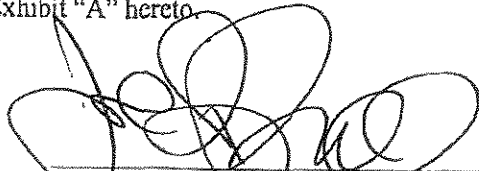
CITY ATTORNEY'S OFFICE
3730 UNIVERSITY AVE. #250
RIVERSIDE CA 92501
(951) 825-6567

D-17438

1 described in the complaint herein, to install approximately 10 miles of 69kV sub-transmission
2 lines, construct a new 230kV to 69kV substation, improve five existing substations, relocate
3 existing distribution lines, and install new telecommunication lines, from Riverside's Energy
4 Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman
5 Substations, plaintiff to take title to the interest(s) of said defendants in said real property
6 together with all improvements thereon in which said defendant has an interest, and except as
7 otherwise described in the attached exhibit "A," free and clear of any and all liens,
8 encumbrances, easements, and leaseholds of whatever kind or nature.

9 The interest condemned to the City of Riverside in and to Assessor's Parcel Number 147-
10 252-014 is legally described in Exhibit "A" hereto.

11
12 DATED: 07/24/2019

13 
14 JUDGE OF THE SUPERIOR COURT

15 \\rc-citylawprod\Cycom\WPDocs\D019\AP023\00333101.DOC
16 L16-0089.19

EXHIBIT A

D-17438

Public Utility Easement
POR. A.P.N. 147-252-014

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

That portion of Lot 5 in Block 13 of La Granada, as shown by map on file in Book 12, Pages 42 through 51 inclusive of Maps, Records of Riverside County, California, and is further described as follows:

BEGINNING at the most Southerly corner of said Lot 5;

THENCE North $32^{\circ}30'46''$ West along the southwesterly line of said Lot 5, a distance of 11.68 feet;

THENCE North $17^{\circ}48'16''$ East, a distance of 170.18 feet to a line that is parallel with and distant 80 feet southwesterly, as measured at right angles from the northeasterly line of said Lot 5;


THENCE South $35^{\circ}52'58''$ East along above said parallel line, a distance of 11.74 feet to the southeasterly line of said Lot 5;

THENCE South $9^{\circ}33'00''$ West along the southeasterly line of said Lot 5, a distance of 93.89 feet to the beginning of a tangent curve concave northwesterly having a radius of 125.00 feet;

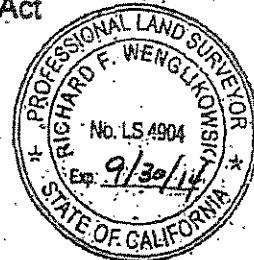
THENCE along said curve to the right through a central angle of $36^{\circ}51'00''$, a distance of 80.39 feet to the **POINT OF BEGINNING**.

Containing 0.07 acres or 3085 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.

4-26-13
Date



DESCRIPTION APPROVAL:

BY:  6/17/2013
DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

D-17438



PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

Exhibit 'A' Legal Description - CLARITY COPY ATTACHED.

Date: 08/18/2017

Signature: 

Print Name: Kimberly Oehlert

Public Utility Easement
POR. A.P.N. 147-252-014

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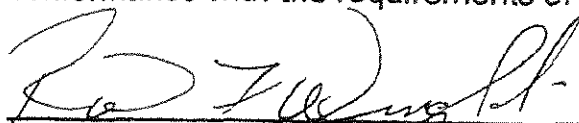
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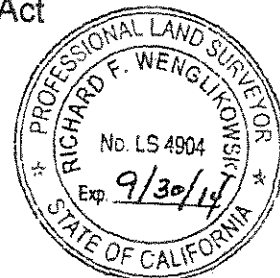
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4-26-13
Date



DESCRIPTION APPROVAL:

BY:  C/Stephens
DATE

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

D-17438