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JUDGMENT AND FINAL ORDER OF CONDEMNATION D- 17439
CASE NO. RIC1613476

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-17439

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

CITY OF RIVERSIDE Plaintiff/Petitioner vs. MYRIAM RODRIGUEZ Defendant/Respondent	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE AUG 09 2017 E. Usher  CASE NUMBER: RIC1613476
DOCUMENT COVERSHEET	

FILED
AUG 14 2017
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Full Document Title: FINAL ORDER (EMINENT DOMAIN) OF CONDEMNATION, PARCEL #147-252-016

(if the document is not officially titled, please provide the description of what is being filed.)

Other File Clerk Notes:

D-17439

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 09 2017

E. Usher 

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

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and) Case No. RIC1613476
11 municipal corporation,) Assigned for all purposes to the
12 Plaintiff,) Honorable Judge Daniel A. Ottolia
13 vs.) Dept. 4
14 MYRIAM RODRIGUEZ; et al.,) **JUDGMENT AND FINAL ORDER OF**
15 Defendants.) **CONDEMNATION**
16) Complaint filed: 10/14/2016
17) Trial Date: None Set

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

21 **IT IS HEREBY FOUND AND DETERMINED THAT:**

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

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(RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

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

3. 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 23064 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.

4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Myriam Rodriguez	Owner
Steven H. Rivera	Owner
Quality Loan Service Corporation	Potential Claimant
Mortgage Electronic Registration Systems, Inc.	Potential Claimant
BAC Home Loans Servicing, LP	Potential Claimant
Bank of America, N.A.	Potential Claimant
Nationstar Mortgage LLC	Potential Claimant
Novastar Mortgage, Inc.	Potential Claimant
Novastar Mortgage, LLC, as successor in interest to Novastar Mortgage, Inc. (DOE 3)	Potential Claimant
All persons unknown claiming an interest in the property	Potential Claimant
Carlos Rivera (DOE 1)	Tenant
Elizabeth Herrera (DOE 2)	Tenant

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5. The following defendants were dismissed on the date indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Novastar Mortgage, Inc.	02/02/2017
All persons unknown claiming an interest in the property	02/02/2017

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>
Myriam Rodriguez	07/17/2017
Steven H. Rivera	07/17/2017
Novastar Mortgage, LLC, as successor in interest to Novastar Mortgage, Inc.	04/21/2017
Carlos Rivera	04/21/2017
Elizabeth Herrera	04/21/2017

7. The following defendants filed a disclaimer on the dates indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Quality Loan Service Corporation	11/21/2016
Mortgage Electronic Registration Systems, Inc.	01/11/2017
BAC Home Loans Servicing, LP	11/07/2016
Bank of America, N.A.	11/07/2016
Nationstar Mortgage LLC	06/28/2017

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1 8. On September 15, 2016, plaintiff deposited with the Office of the Treasurer for
2 the state of California the amount of Six Thousand Seven Hundred Dollars (\$6,700.00) as a
3 deposit of probable just compensation ("Condemnation Deposit") for the property described in
4 the attached exhibit "A."

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

7 10. An Order of Prejudgment Possession ("OPP") as to the property described in the
8 attached exhibit "A" was filed by the court herein on February 14, 2017. The OPP became
9 effective on March 16, 2017.

10 11. The use for which the property described in the attached exhibit "A" is sought to
11 be condemned is authorized by law and is a public use, and the acquisition in condemnation is
12 necessary for that public use.

13 **NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED** that
14 judgment in condemnation is hereby made in favor of the City of Riverside. The following
15 defendants are entitled to no compensation or damages: Quality Loan Service Corporation;
16 Mortgage Electronic Registration Systems, Inc.; BAC Home Loans Servicing, LP; Bank of
17 America, N.A.; Nationstar Mortgage LLC; Novastar Mortgage, LLC, as successor in interest to
18 Novastar Mortgage, Inc.; Carlos Rivera; and Elizabeth Herrera. The Condemnation Deposit
19 remains on deposit with the State Treasurer's office for the benefit of Myriam Rodriguez and
20 Steven H. Rivera as owners of the Subject Property. The payment of the sum of money specified
21 above is in full payment of the interests in the land so acquired, together with all improvements
22 on the land, and for all damage of every kind and nature the defendants incurred because of the
23 acquisition of the property.

24 **WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF**
25 **CONDEMNATION:**

26 The interests of defendants Myriam Rodriguez; Steven H. Rivera; Quality Loan Service
27 Corporation; Mortgage Electronic Registration Systems, Inc.; BAC Home Loans Servicing, LP;
28 Bank of America, N.A.; Nationstar Mortgage LLC; Novastar Mortgage, LLC, as successor in

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

11 The interest condemned to the City of Riverside in and to Assessor's Parcel Number 147-
12 252-016 is legally described in Exhibit "A" hereto.

13
14 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

15
16 DATED: 8-9-17


17 JUDGE OF THE SUPERIOR COURT

18 **Daniel A. Ottolia**

19 \\rc-citylawprod\Cycom\WPDocs\D021\P024\00348872.DOC
20 L16-0089.24

EXHIBIT A

Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement (Public Utilities Easement)

An easement and right-of-way for the construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of *electric energy distribution and transmission facilities, and telecommunication facilities*, together with all necessary appurtenances, in, under, upon, over and along that certain real property. Together with the right to clear and keep clear said easement and right-of-way from any structures or trees, to enter upon and to pass and repass over and along said real property, and to deposit tools, implements and other material thereon by Grantee (City of Riverside), its officers, agents and employees whenever and wherever necessary for the purpose of constructing, reconstructing, maintaining, operating, inspecting, repairing, replacing, relocating, renewing and removing said *electric energy distribution and transmission facilities, and telecommunication facilities*.

Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement (Public Utilities Easement – Overhead)

An easement and right-of-way for the construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of *electric energy distribution and transmission facilities, and telecommunication facilities*, together with all necessary appurtenances over that certain real property. Further, Grantor shall not erect, place, construct, nor permit to be erected, placed or constructed any structures or modifications to existing structures above the existing finished height of any structures existing as of the date of recordation of this easement. This height restriction is made supplemental to existing City of Riverside building code regarding setbacks, any permanent future construction or additions to existing structures and is hereby imposed in said easement.

60-Day Temporary Construction Easement (Temporary Construction Easement)

A temporary easement and right of way allowing Grantee (City of Riverside) the right to use the property for the purpose of installing overhead electrical lines. Such use may include, but is not limited to ingress and egress of persons and vehicles, the deposit of tools, equipment, machinery, and materials used in the performance of the construction, and for similar purposes by Grantee, its officers, employees, agents or contractors. Upon completion of construction, Grantee promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. Grantee further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation, to its original condition prior to entry. The temporary easement and right of way shall terminate two (2) months after issuance of the Notice to Proceed or upon completion of the installation of the overhead electrical lines, whichever occurs first.

Public Utility Easement
POR. A.P.N. 147-252-016

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

The southeasterly 12.0 feet of that portion of Lot 4 in Block 13 of La Granada, in the City of Riverside, County of Riverside, State of California, as shown by map on file in Book 12 Pages 42 through 51 of Maps, records of Riverside County, California, particularly described as follows:

Beginning at the most southerly corner of said Lot 4;

Thence North 30°19' West along the southwesterly line of said Lot 4, a distance of 349.47 feet to the most westerly corner of said Lot 4;


Thence North 43°56' East along the northwesterly line of said Lot 4, a distance of 93.92 feet;

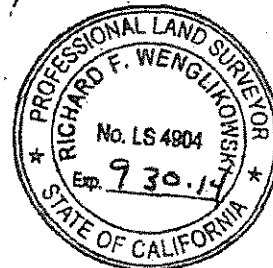
Thence southeasterly to a point in the southeasterly line of said Lot 4 which bears North 46° 24' East, 99.86 feet from the point of beginning;

Thence South 46°24' West along said southeasterly line, a distance of 99.86 feet to the Point of Beginning.


Containing 0.03 Acres or 1,197 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:  6/21/2013
DATE

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

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