

When Recorded Mail To:

Riverside City Attorney's Office
3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.17

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

2017-0443199

10/25/2017 10:41 AM Fee: \$ 0.00

Page 1 of 12

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



110

Space above this line reserved for Recorder's use.

JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1613666

D-17110

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-17440

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 bmerceer@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 18 2017

L. Freeland

AMC

OCT 20 2017

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a California charter city and
municipal corporation,

Plaintiff,

vs.

EUGENIO MARTINEZ; et al.,

Defendants.

) Case No. RIC1613666
) Assigned for all purposes to the
) Honorable Judge Irma Asberry
) Department 3

) **JUDGMENT AND FINAL ORDER OF CONDEMNATION**

) Case filed: 10/19/2016
) OSC: 12/18/2017

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

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

JUDGMENT AND FINAL ORDER OF CONDEMNATION

AUG 25 2017

D-17440

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

3 3. After a duly noticed public hearing and an opportunity to be heard in compliance
4 with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council
5 adopted Resolution Number 23066 authorizing plaintiff to acquire the property described in the
6 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
7 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
8 that: (a) the public interest and necessity require the proposed project, (b) the proposed project is
9 planned and located in the manner that will be the most compatible with the greatest public good
10 and least private injury, (c) the acquisition and taking of interests in the property sought to be
11 acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
12 Government Code has been made to the owners of record of the Subject Property.

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

<u>Defendant Name</u>	<u>Property Interest</u>
Eugenio Martinez	Owner
Romulo Martinez	Owner
R. E. Davis	Easement Holder
June Davis	Easement Holder
Commerce Title Company	Deed of Trust Trustee
New Century Mortgage Corporation	Deed of Trust Beneficiary
Deutsche Bank National Trust Company, as Trustee for the Holders of the GSAMP Trust 2005-S1, Mortgage Pass-Through Certificates, Series 2005-S1	Deed of Trust Beneficiary
Recontrust Company, N.A.	Deed of Trust Trustee
Eugenio Martinez Serrato	Potential Claimant
Myra Mata	Tenant
All persons unknown claiming an interest in the property	Potential Claimant

D-17440

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Defendant Name</u>	<u>Property Interest</u>
The heirs and devisees of June Davis, deceased, and all persons claiming by, through, or under said decedent (DOE 1)	Potential Claimant
The heirs and devisees of R. E. Davis, deceased, and all persons claiming by, through, or under said decedent (DOE 2)	Potential Claimant

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>
R. E. Davis	02/01/2017
June Davis	02/01/2017

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>
Eugenio Martinez	06/21/2017
Romulo Martinez	06/21/2017
Commerce Title Company	04/24/2017
New Century Mortgage Corporation	04/24/2017
Deutsche Bank National Trust Company, as Trustee for the Holders of the GSAMP Trust 2005-S1, Mortgage Pass-Through Certificates, Series 2005-S1	06/21/2017
Eugenio Martinez Serrato	06/21/2017
Myra Mata	04/24/2017
All persons unknown claiming an interest in the property	04/26/2017

D-17440

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
The heirs and devisees of June Davis, deceased, and all persons claiming by, through, or under said decedent (DOE 1)	04/24/2017
The heirs and devisees of R. E. Davis, deceased, and all persons claiming by, through, or under said decedent (DOE 2)	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>
Recontrust Company, N.A.	02/17/2017

8. On September 15, 2016, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Seventeen Thousand One Hundred Dollars (\$17,100.00) 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.

10. An Order of Prejudgment Possession ("OPP") as to the property described in the attached exhibit "A" was filed by the court herein on April 17, 2017. Said OPP became effective on May 18, 2017.

11. 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 defendants are entitled to no compensation or damages: Commerce Title Company; New Century Mortgage Corporation; Deutsche Bank National Trust Company, as Trustee for the Holders of the GSAMP Trust 2005-S1, Mortgage Pass-Through Certificates, Series 2005-SI; Recontrust Company, N.A.;

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

D-17440

1 Eugenio Martinez Serrato; Myra Mata; All persons unknown claiming an interest in the property;
2 The heirs and devisees of June Davis, deceased, and all persons claiming by, through, or under
3 said decedent; and The heirs and devisees of R. E. Davis, deceased, and all persons claiming by,
4 through, or under said decedent. The Condemnation Deposit remains on deposit with the State
5 Treasurer's office for the benefit of Eugenio Martinez and Romulo Martinez as owners of the
6 Subject Property.

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

9 The interests of defendants Eugenio Martinez; Romulo Martinez; Commerce Title
10 Company; New Century Mortgage Corporation; Deutsche Bank National Trust Company, as
11 Trustee for the Holders of the GSAMP Trust 2005-S1, Mortgage Pass-Through Certificates,
12 Series 2005-SI; Recontrust Company, N.A.; Eugenio Martinez Serrato; Myra Mata; All persons
13 unknown claiming an interest in the property; The heirs and devisees of June Davis, deceased,
14 and all persons claiming by, through, or under said decedent; and The heirs and devisees of R. E.
15 Davis, deceased, and all persons claiming by, through, or under said decedent, in the real
16 property described in the attached exhibit "A" are hereby condemned for the public use and
17 purpose described in the complaint herein, to install approximately 10 miles of 69kV sub-
18 transmission lines, construct a new 230kV to 69kV substation, improve five existing substations,
19 relocate existing distribution lines, and install new telecommunication lines, from Riverside's
20 Energy Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman
21 Substations, plaintiff to take title to the interest(s) of said defendants in said real property
22 together with all improvements thereon in which said defendant has an interest, and except as
23 otherwise described in the attached exhibit "A," free and clear of any and all liens,

24 ///
25 ///
26 ///
27 ///
28 ///

D-17440

1 encumbrances, easements, and leaseholds of whatever kind or nature.

2 The interest condemned to the City of Riverside in and to Assessor's Parcel Number 147-
3 301-002 is legally described in Exhibit "A" hereto.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 10/12/2017



JUDGE OF THE SUPERIOR COURT

\\rc-city\lawprod\Cycom\WP\Docs\D015\023\00345835.DOC
L16-0089.03

EXHIBIT A

D-17440

Public Utility Easement
POR. A.P.N. 147-301-002

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 that portion of Lot 3 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 Pages 42 to 51 Inclusive of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the most Westerly corner of said Lot 3;

Thence Northeasterly along the Northwesterly line thereof, 100 feet to a point;

Thence Southeasterly 80 feet parallel with the Southwesterly line of said Lot 3;

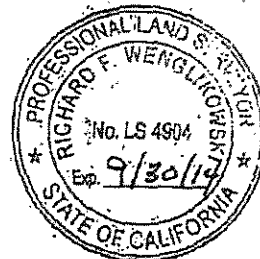
Thence Southwesterly 100 feet parallel with the Northwesterly line of said Lot 3, to the Southwesterly line thereof;

Thence Northwesterly 80 feet along the Southwesterly line of said Lot 3, to the Point of Beginning.

Containing 0.02 Acres or 960 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 6-6-13 Date



DESCRIPTION APPROVAL:

BY:  6/14/2013 DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

D-17440



PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

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

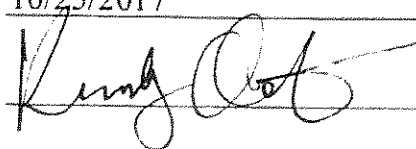
www.riversideacr.com

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: 10/25/2017
Signature: 
Print Name: Kimberly Oehlert

Public Utility Easement
POR. A.P.N. 147-301-002

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 that portion of Lot 3 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 Pages 42 to 51 inclusive of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the most Westerly corner of said Lot 3;

Thence Northeasterly along the Northwesternly line thereof, 100 feet to a point;

Thence Southeasterly 80 feet parallel with the Southwesterly line of said Lot 3;

Thence Southwesterly 100 feet parallel with the Northwesternly line of said Lot 3, to the Southwesterly line thereof;

Thence Northwesternly 80 feet along the Southwesterly line of said Lot 3, to the **Point of Beginning**.

Containing 0.02 Acres or 960 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 6-6-13
Date



DESCRIPTION APPROVAL:

BY: 
Curtis C. Stephens, L.S. 7519 6/14/2013
CITY SURVEYOR DATE

D-17440