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3750 University Ave. #250  
Riverside, CA 92501  
Ref: CA# L16-0089.02

**2018-0040878**

02/01/2018 10:54 AM Fee: \$ 0.00

Page 1 of 12

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



This instrument is for the benefit  
of the City of Riverside and is  
exempt from recording fees  
(Government Code § 27383<sup>1</sup>)

D-17457

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Space above this line reserved for Recorder's use.

**JUDGMENT AND FINAL ORDER OF CONDEMNATION**  
**CASE NO. RIC1614671**

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<sup>1</sup> 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-17457

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2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677  
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5 3750 University Avenue, Suite 250  
6 Riverside CA 92501  
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9 bmercer@riversideca.gov

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JAN 25 2018

S. Portillo

JAN 26 2018

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

10 CITY OF RIVERSIDE, a California charter city and ) Case No. RIC1614671  
11 municipal corporation, ) Assigned for all purposes to the  
12 Plaintiff, ) Honorable Judge John W. Vineyard  
13 vs. ) Department 7  
14 JULIAN ALCANTAR; et al., ) **JUDGMENT AND FINAL ORDER OF**  
15 Defendants. ) **CONDEMNATION**  
16 ) Complaint Filed: 11/04/2016  
17 ) TSC: 11/09/2017

18  
19 This Judgment and Final Order of Condemnation is made following disposition through  
20 the court proceedings described below of all parties and property interests alleged in the  
21 Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of  
22 Riverside (hereinafter "City") and defendant Federal National Mortgage Association (hereinafter  
23 "Defendant"), that a Judgment and Final Order of Condemnation as to Assessor's Parcel  
24 Number ("APN") 150-232-015 may be made and entered herein in accordance with the terms  
25 and conditions hereof without further notice to said Defendants,

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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 4090 of the Streets and Highways 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 is authorized to acquire real property or interests therein for public uses and purposes, to wit: install approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV substation, improvements to five existing substations, relocation of existing distribution lines, and installation of new telecommunication lines, from Riverside's Energy Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

2. 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 23069 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.

3. Plaintiff named the following defendants in this action:

<u>Defendants Name</u>	<u>Property Interest</u>
Julian Alcantar	Owner
Chase Home Finance, LLC	Deed of Trust Beneficiary
NDEx West, LLC	Deed of Trust Trustee
Federal National Mortgage Association	Potential Claimant
All persons unknown claiming an interest in the property	Potential Claimant

D-17457

1           4.       Defendant holds a beneficial interest in the Subject Property under an assignment  
2 of deed of trust recorded in the County of Riverside as instrument number 2010-0553303. The  
3 interest being acquired by the City through this eminent domain action is a public utilities  
4 easement, as more particularly described in Exhibit 'A' hereto.

5           5.       By execution of the Stipulation re Settlement and for Entry of Judgment and Final  
6 Order of Condemnation herein ("Stipulation"), Defendant waives 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 150-232-015, and the right and time for appeal.

9           6.       By execution of the Stipulation, Defendant expressly waives 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 Subject Property, including  
15 costs, statutory interest, severance damages, fixtures, equipment, or inventory, loss of business  
16 goodwill, relocation assistance, loss of or damage to improvements pertaining to the realty,  
17 damages for precondemnation or inverse condemnation, attorney's fees, all costs and litigation  
18 expenses of Defendant against the City by reason of taking of the Subject Property.

19           8.       Pursuant to the Stipulation, Defendant makes a knowing waiver of any and all  
20 rights created by California Civil Code section 1542.

21           9.       Pursuant to the Stipulation, the total amount of just compensation to be paid by  
22 the City to Defendant is the sum of Eleven Thousand Three Hundred Dollars (\$11,300.00)  
23 ("Award").

24           10.      On September 15, 2016, the City deposited the sum of Eleven Thousand Three  
25 Hundred Dollars (\$11,300.00) with the Treasurer of the State of California, Condemnation  
26 Fund, ("Deposit") as the probable amount of just compensation for APN 150-232-015.

27           11.      On October 25, 2017, the court made and entered an order authorizing withdrawal  
28 of \$11,300.00 from the Deposit payable to Defendant ("Withdrawal Order").

1 12. Pursuant to the Stipulation, payment of the Award to Defendant has been satisfied  
2 by the court's entry of the Withdrawal Order.

3 13. An Order of Prejudgment Possession became effective as to Defendant's interest  
4 in and to APN 150-232-015 on or about April 30, 2017.

5 14. The use for which an interest in and to APN 150-232-015 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 dates indicated  
8 below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
All Persons Unknown Claiming an Interest in the Property	01/24/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Julian Alcantar	05/23/2017
Chase Home Finance, LLC	05/01/2017

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

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
NDEx West, LLC	01/10/2017

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

23 1. The total compensation, award, and damages to be paid as a result of the  
24 condemnation of the interests of defendant Federal National Mortgage Association  
25 ("Defendant") in and to APN 150-232-015 is the total sum of Eleven Thousand Three Hundred  
26 Dollars (\$11,300.00) ("Award").

27 2. Payment of the Award hereunder shall be deemed to expressly include all costs of  
28 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses

D-17457

1 including, but not limited to, those defined in California Code of Civil Procedure section  
2 1235.140. Payment hereunder shall further be deemed to be the total just compensation and  
3 damages, if any, to which Defendant shall be entitled by reason of the condemnation of APN  
4 150-232-015 as described in Exhibit A hereto.

5 3. Payment of the Award in the amount of Eleven Thousand Three Hundred Dollars  
6 (\$11,300.00) has been satisfied by this court's entry of the Withdrawal Order herein.

7 4. Payment to Defendant of the Award shall constitute payment in full for the real  
8 property taken and for all damages of any kind and nature whatsoever suffered by Defendant by  
9 reason of such taking.

10 5. An Order of Prejudgment Possession became effective as to the interest of  
11 Defendant in and to APN 150-232-015 on April 30, 2017.

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

14 The interest of defendants Julian Alcantar; Chase Home Finance, LLC; NDEx West,  
15 LLC; and Federal National Mortgage Association (collectively "Defendants") in the real  
16 property described in Exhibit "A" as to Assessor's Parcel Number 150-232-015 is hereby  
17 condemned for the public use and purposes described in the Complaint as installing  
18 approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV  
19 substation, improvements to five existing substations, relocation of existing distribution lines,  
20 and installation of new telecommunication lines, from Riverside's Energy Resource Center  
21 (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations. Plaintiff  
22 City of Riverside to take title to the interests of Defendants in said real property, as described in  
23 and limited by Exhibit A hereto, together with all improvements thereon in which said  
24 Defendants have an interest, free and clear of any and all liens, encumbrances, easements, and

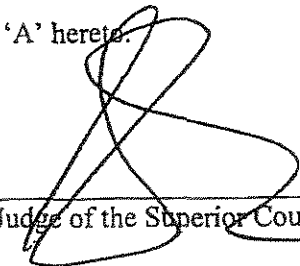
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D-17457

1 leaseholds, of whatever kind or nature.

2 The interests condemned to the City of Riverside in and to Assessor's Parcel Number  
3 150-232-015 are legally described in Exhibit 'A' hereto.

4  
5 DATED: 1/29/18

  
\_\_\_\_\_  
Judge of the Superior Court

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L16-0089.02

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EXHIBIT A

D-17457



EXHIBIT A

D-17457

Public Utility Easement  
POR. A.P.N. 150-232-015

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

The Easterly 15.0 feet of all that portion of Lot 4 in Block 18 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, described as follows:

**Commencing** at the Southeasterly corner of said Lot 4;

Thence North  $0^{\circ}54'30''$  West, along the Easterly line of said Lot 4, a distance of 50.00 feet for the **Point of Beginning**, said point being the southeasterly corner of that certain parcel of land described in Grant Deed recorded September 25, 2002, per document No. 2002-531817 of Official Records of said Riverside County;

Thence continuing North  $0^{\circ}54'30''$  West along the Easterly line of said Lot 4, a distance of 50.00 feet to the northwest corner of said parcel of land;

Thence North  $81^{\circ}39'18''$  West, and parallel with the Northerly line of said Lot 4, a distance of 100.00 feet;


Thence South  $0^{\circ}54'30''$  East, and parallel with the Easterly line of said Lot 4, a distance of 50.00 feet;

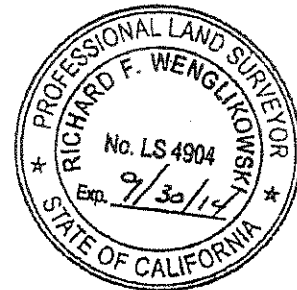
Thence South 81°39'18" East, and parallel with the Northerly line of said Lot 4, a distance of 100.00 feet to the **Point of Beginning**.

Containing 0.02 Acres or 750 square feet more or less.

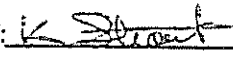
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This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

  
Richard F. Wenglikowski, L.S. 4904      8/17/14      Date



DESCRIPTION APPROVAL:

BY:       9/15/2014      DATE

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

**PROOF OF SERVICE**  
City of Riverside v. Alcantar  
RIC1614671

*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 January 8, 2018, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

Timothy M. Ryan, Esq.  
Andrew J. Mase, Esq.  
THE RYAN FIRM  
30 Corporate Park, Ste. 310  
Irvine CA 92606  
Tel: (949) 263-1800  
Fax: (949) 872-2211

Attorneys for defendant:  
Federal National Mortgage Association

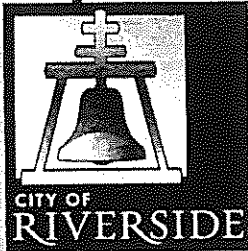
(XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited 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 January 8, 2018, at Riverside, California.

  
Kimberly Oehlert

D-17457



MEMORANDUM

CITY ATTORNEY'S OFFICE

RECEIVED

FEB 02 2018

City of Riverside  
City Clerk's Office

TO: City Clerk  
FROM: Kimberly Oehlert  
DATE: February 2, 2018  
RE: CITY V. JULIAN ALCANTAR (RIVERSIDE TRANSMISSION RELIABILITY PROJECT); CA L16-0089.02; RIVERSIDE SUPERIOR COURT CASE NO. RIC1614671

Enclosed is the original recorded Judgment and Final Order of Condemnation regarding the above-referenced eminent domain matter.

Please retain this document as the City's official record.

If you have any questions regarding the foregoing, please do not hesitate to call me.

Kimberly Oehlert  
Paralegal  
Ext. 5768

SCANNED

FEB 05 2018

CITY CLERK'S OFFICE

D-17457