

When Recorded Mail To:

Riverside City Attorney's Office
3750 University Ave. #250
Riverside, CA 92501
Ref: CA# L16-0089.35

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

2018-0083555

03/06/2018 11:00 AM Fee: \$ 217.00

Page 1 of 14

Recorded in Official Records
County of Riverside

Peter Aldana
Assessor-County Clerk-Recorder



Space above this line reserved for Recorder's use.

**JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1613127**

D-17464

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-17464

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

GARY G. GEUSS, City Attorney, SBN 128022
ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
BRANDON S. MERCER, Sr. Deputy City Attorney, SBN 244413
OFFICE OF THE CITY ATTORNEY
3750 University Avenue, Suite 250
Riverside CA 92501
Tel: (951) 826-5567
Fax: (951) 826-5540
bmercerc@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FEB 20 2018
[Signature]
L. Howell

FILED
FEB 21 2018
FILED

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,)	Case No. RIC1613127
)	Case assigned the Honorable Judge
Plaintiff,)	Sunshine S. Sykes
)	Dept. 6
vs.)	
)	JUDGMENT AND FINAL ORDER OF
WELLS FARGO BANK, N.A.; et al.,)	CONDEMNATION
)	
Defendants.)	Case Filed: 10/06/2016
)	TSC: 02/15/2018

This Judgment and Final Order of Condemnation is made following disposition through the court proceedings described below of all parties and property interests alleged in the Complaint in Eminent Domain. Pursuant to a written stipulation by and between plaintiff City of Riverside (hereinafter "City") and defendant Wells Fargo Bank, N.A. (hereinafter "Defendant"), that a Judgment and Final Order of Condemnation as to Assessor's Parcel Number ("APN") 234-020-037 may be made and entered herein in accordance with the terms and conditions hereof without further notice to said Defendant,

///
///
///
///

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

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 23081 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>
Wells Fargo Bank, N.A.	Owner
Bank of the West as successor in interest to United California Bank	Potential Claimant
All persons unknown claiming an interest in the property	Potential Claimant

4. The interests being acquired by the City through this eminent domain action are public utilities easements, as more particularly described in Exhibit 'A' hereto.

- 1 5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final
2 Order of Condemnation herein ("Stipulation"), Defendant waives the right to jury trial,
3 Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final
4 Order of Condemnation as to APN 234-020-037, and the right and time for appeal.
- 5 6. By execution of the Stipulation, Defendant expressly waives the right to challenge
6 the City's right to acquire the property by eminent domain, the right to further and greater
7 compensation and damages of whatever kind or nature, and the right to an award of interest,
8 attorneys fees and costs, to the extent that they may be allowable by law.
- 9 7. By execution of the Stipulation, the total compensation is in complete settlement
10 of any and all claims for compensation arising from the taking of the Subject Property, including
11 costs, statutory interest, severance damages, fixtures, equipment, or inventory, loss of business
12 goodwill, relocation assistance, loss of or damage to improvements pertaining to the realty,
13 damages for precondemnation or inverse condemnation, attorney's fees, all costs and litigation
14 expenses of Defendant against the City by reason of taking of the Subject Property.
- 15 8. Pursuant to the Stipulation, Defendant makes a knowing waiver of any and all
16 rights created by California Civil Code section 1542.
- 17 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
18 the City to Defendant is the sum of Two Hundred Twenty-five Thousand Dollars (\$225,000.00)
19 ("Award").
- 20 10. On September 15, 2016, the City deposited the sum of Sixty-four Thousand Two
21 Hundred Dollars (\$64,200.00) with the Treasurer of the State of California, Condemnation
22 Fund, ("Deposit") as the probable amount of just compensation for APN 234-020-037.
- 23 11. No funds have been withdrawn from the Deposit and \$64,200.00 remains on
24 deposit with the State Treasurer condemnation fund.
- 25 12. Pursuant to the Stipulation, Payment of the Award by the City shall be made
26 within thirty (30) days after entry of this Judgment and Final Order of Condemnation.
- 27 13. An Order of Prejudgment Possession became effective as to Defendant's interest
28 in and to APN 234-020-037 on or about March 23, 2017.

D-17464

1 14. The use for which an interest in and to APN 234-020-037 is being acquired is a
2 use authorized by law and the acquisition of said interest is necessary to said use.

3 15. The following defendant was dismissed from this action on the dates indicated
4 below:

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

8 16. The following defendant filed a disclaimer on the date indicated below and is
9 entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Bank of the West as successor in interest to United California Bank	01/10/2017

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

14 1. The total compensation, award, and damages to be paid as a result of the
15 condemnation of the interests of defendant Wells Fargo Bank, N.A. ("Defendant") in and to
16 APN 234-020-037 is the total sum of Two Hundred Twenty-five Thousand Dollars
17 (\$225,000.00) ("Award").

18 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
19 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
20 including, but not limited to, those defined in California Code of Civil Procedure section
21 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
22 damages, if any, to which Defendant shall be entitled by reason of the condemnation of APN
23 234-020-037 as described in Exhibit A hereto.

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

D-1746A

1 3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of
2 Sixty-four Thousand Two Hundred Dollars (\$64,200.00) from those funds on deposit in the
3 Condemnation Fund in connection with the above-entitled matter. Payment of said funds shall
4 be made payable to "City of Riverside" and forwarded to:

5 Office of the City Attorney
6 c/o Brandon S. Mercer, Esq.
7 3750 University Ave. #250
8 Riverside, CA 92501

8 4. The Award in the amount of Two Hundred Twenty-five Thousand Dollars
9 (\$225,000.00) shall be paid by plaintiff outside these court proceedings to Defendant as follows:
10 the draft shall be made payable to "Wells Fargo Bank, N.A." and forwarded to:

11 Sean P. O'Connor Esq.
12 Daniel P. Bane, Esq.
13 SHEPPARD, MULLIN, RICHTER
14 & HAMPTON LLP
15 650 Town Center Dr., 4th Floor
16 Costa Mesa CA 92626-1993

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

18 5. An Order of Prejudgment Possession became effective as to the interest of
19 Defendant in and to APN 234-020-037 on March 23, 2017.

20 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
21 CONDEMNATION:

22 The interest of defendants Wells Fargo Bank, N.A., and Bank of the West as successor in
23 interest to United California Bank (collectively "Defendants") in the real property described in
24 Exhibit "A" as to Assessor's Parcel Number 234-020-037 is hereby condemned for the public
25 use and purposes described in the Complaint as installing approximately 10 miles of 69kV sub-
26 transmission lines, construction of a new 230kV to 69kV substation, improvements to five
27 existing substations, relocation of existing distribution lines, and installation of new
28 telecommunication lines, from Riverside's Energy Resource Center (RERC) to Riverside Public

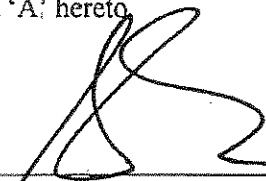
D-17464

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

Utilities' (RPU) Harvey Lynn and Freeman Substations. Plaintiff City of Riverside to take title to the interests of Defendants in said real property, as described in and limited by Exhibit A hereto, together with all improvements thereon in which said Defendants have an interest, free and clear of any and all liens, encumbrances, easements, and leaseholds, of whatever kind or nature.

The interests condemned to the City of Riverside in and to Assessor's Parcel Number 234-020-037 are legally described in Exhibit 'A' hereto.

DATED: 2/20/18



Judge of the Superior Court

\\rc-city\lawprod\Cycom\WPDocs\D003\PO24\00387474.DOC
L16-0089.35

EXHIBIT A

D-17464

Public Utility Easement
POR. A.P.N. 234-020-037

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

That portion of Lot 4 in Block 27 of the Lands of the Riverside Land and Irrigating Company, as per map recorded in Book 1, Page 72, of Maps, in the office of the County Recorder of San Bernardino County, California described as follows:

The southwesterly 15.00 feet of Parcel 2 of Record of Survey on file in Book 44, Page 78 of Record of Surveys, Records of Riverside County, California, described as follows;

EXCEPTING THEREFROM that portion lying within the following described parcel of land:

COMMENCING at the most southerly corner of said Parcel 2;

THENCE North 56°00'00" East, along the southeasterly line of said Parcel 2, a distance of 15.00 feet to the northeasterly line of said southwesterly 15.00 feet of said Parcel 2;

THENCE North 34°00'00" West, along said northeasterly line of said southwesterly 15.00 feet of Parcel 2, a distance of 68.00 feet to the **POINT OF BEGINNING** of the parcel of land being described;

THENCE South 56°00'00" West, a distance of 15.00 feet to the southwesterly line of said Parcel 2;

THENCE North 34°00'00" West, along said southwesterly line, a distance of 72.00 feet;

THENCE North 56°00'00" East, a distance of 15.00 feet to said northeasterly line of the southwesterly 15.00 feet of Parcel 2;


D-17464

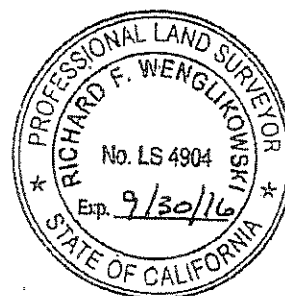
THENCE South 34°00'00" East, along said northeasterly line of the southwesterly 15.00 feet of Parcel 2, a distance of 72.00 feet to the POINT OF BEGINNING;

ALSO EXCEPTING THEREFROM those portions of said Parcel 2 as described in Parcels 1 and 2 of Grant Deed in favor of the City of Riverside, by document recorded September 20, 1991 as Instrument No. 327352 of Official Records of said Riverside County, and those portions of said Parcel 2 as described in Parcels 1 and 2 of Quitclaim Deed recorded November 1, 1991, as Instrument No. 379813 of Official Records of said Riverside County.

Containing 0.04 Acres or 1865 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 12/7/14 Date



DESCRIPTION APPROVAL:

BY:  12/23/2014 DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

D-17464

Public Utility Easement
POR. A.P.N. 234-020-037 (Overhead)

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

That portion of Lot 4 in Block 27 of the Lands of the Riverside Land and Irrigating Company, as per map recorded in Book 1, Page 72, of Maps, in the office of the County Recorder of San Bernardino County, California, described as follows:

That portion of the southwesterly 15.00 feet of Parcel 2 of Record of Survey on file in Book 44, Page 78 of Record of Surveys, Records of Riverside County, California described as follows;

COMMENCING at the southerly corner of said Parcel 2;

THENCE North 56°00'00" East, along the southeasterly line of said Parcel 2, a distance of 15.00 feet to the northeasterly line of said southwesterly 15.00 feet of said Parcel 2;

THENCE North 34°00'00" West along said northeasterly line of said southwesterly 15.00 feet of Parcel 2, a distance of 68.00 feet to the **POINT OF BEGINNING** of the parcel of land being described;

THENCE South 56°00'00" West, a distance of 15.00 feet to the southwesterly line of said Parcel 2;

THENCE North 34°00'00" West, along said southwesterly line, a distance of 72.00 feet;

THENCE North 56°00'00" East, a distance of 15.00 feet to said northeasterly line of the southwesterly 15.00 feet of Parcel 2;

THENCE South 34°00'00" East, along said northeasterly line of the southwesterly 15.00 feet of Parcel 2, a distance of 72.00 feet to the **POINT OF BEGINNING**;

EXCEPTING THEREFROM that portion of said Parcel 2 as described in Parcel 2 of Grant Deed in favor of the City of Riverside, by document recorded September 20, 1991 as Instrument No. 327352 of Official Records of said Riverside County, and that portion of said Parcel 2 as described in Parcel 2 of Quitclaim Deed recorded November 1, 1991, as Instrument No. 379813 of Official Records of said Riverside County.

Containing 0.02 Acres or 1075 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 12/7/14
Richard F. Wenglikowski, L.S. 4904 Date



DESCRIPTION APPROVAL:

BY: C. Stephens 12/23/2014
DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

PROOF OF SERVICE
City of Riverside v. Wells Fargo Bank, N.A.
RIC1613127

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 February 16, 2017, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

Sean P. O'Connor Esq.
Daniel P. Bane, Esq.
SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP
650 Town Center Dr., 4th Floor
Costa Mesa CA 92626-1993
soconnor@sheppardmullin.com
dbanc@sheppardmullin.com

Attorneys for defendant:
Wells Fargo Bank, N.A.

(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 February 16, 2017, at Riverside, California.


Kimberly Oehlert

D-17464