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Riverside, CA 92501
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2018-0158429

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



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

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**JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1616302**

D-17476

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."

1 GARY G. GEUSS, City Attorney, SBN 128022
2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
3 BRANDON S. MERCER, Sr. Deputy City Attorney, SBN 244413
4 OFFICE OF THE CITY ATTORNEY
5 3750 University Avenue, Suite 250
6 Riverside CA 92501
7 Tel: (951) 826-5567
8 Fax: (951) 826-5540
9 bmercer@riversideca.gov

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 13 2018


K. Rahlwes

7 Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF RIVERSIDE

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

13 Plaintiff,

14 vs.

15 SALVADOR F. ARTEAGA aka SALVADOR
16 ARTEAGA; et al.,

17 Defendants.

) Case No. RIC1616302
) Assigned for all purposes to the
) Honorable Judge Irma Asberry
) Department 3
)

JUDGMENT AND FINAL ORDER OF
CONDEMNATION

) Complaint Filed: 12/12/2016
)
)

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 ("City"), a California charter city and municipal corporation, and defendants Salvador
23 F. Arteaga aka Salvador Arteaga and Gloria Arteaga (collectively "Defendants"), that a
24 Judgment and Final Order of Condemnation as to Assessor's Parcel Numbers ("APN") 150-232-
25 008 and 150-232-009 may be made and entered herein in accordance with the terms and
26 conditions hereof without further notice to said Defendants,

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1 IT IS HEREBY FOUND AND DETERMINED:

2 1. Pursuant to its Charter, sections 37350.5 and 40404 of the Government Code of
3 the State of California, section 4090 of the Streets and Highways Code of the State of California,
4 section 1240.010 of the Code of Civil Procedure of the State of California, and Article I, section
5 19 of the Constitution of the State of California, plaintiff City of Riverside is authorized to
6 acquire real property or interests therein for public uses and purposes, to wit: install
7 approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV
8 substation, improvements to five existing substations, relocation of existing distribution lines,
9 and installation of new telecommunication lines, from Riverside's Energy Resource Center
10 (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

11 2. After a duly noticed public hearing and an opportunity to be heard in compliance
12 with Code of Civil Procedure section 1245.235, on September 13, 2016, plaintiff's City Council
13 adopted Resolution Number 23067 authorizing plaintiff to acquire the property described in the
14 attached exhibit "A" by eminent domain ("Subject Property"). In compliance with sections
15 1245.220 and 1245.230 of the Code of Civil Procedure, the City Council found and determined
16 that: (a) the public interest and necessity require the proposed project, (b) the proposed project
17 is planned and located in the manner that will be the most compatible with the greatest public
18 good and least private injury, (c) the acquisition and taking of interests in the property sought to
19 be acquired are necessary for the Project, and (d) the offer required by section 7267.2 of the
20 Government Code has been made to the owners of record of the Subject Property.

21 3. Plaintiff named the following defendants in this action:

22

Defendant	Property Interest
Salvador F. Arteaga Aka Salvador Arteaga	Owner
Gloria Arteaga	Owner
CTC Real Estate Services	Deed of Trust Trustee
Mortgage Electronic Registration Systems, Inc.	Deed of Trust Beneficiary
Town & County Escrow Corporation	Deed of Trust Trustee

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Defendant	Property Interest
Family Trust of Judith A. Biggs, dated August 14, 2006	Deed of Trust Beneficiary
Family Trust of Marvin J. Randel and Susan L. Randel, established August 13, 2004	Deed of Trust Beneficiary
United States of America, Internal Revenue Service	Lienholder
All persons unknown claiming an interest in the property	Potential Claimant

4. The Defendants' interest in and to the real property designated in the complaint as APNs 150-232-008 and 150-232-009 is fee simple absolute. The interests being acquired by the City through this eminent domain action are public utility easements, as more particularly described in Exhibit 'A' hereto.

5. By execution of the Stipulation re Settlement and for Entry of Judgment and Final Order of Condemnation herein ("Stipulation"), Defendants waive the right to jury trial, Statement of Decision, Notice of Entry of Judgment in Condemnation, Notice of Entry of Final Order of Condemnation as to APNs 150-232-008 and 150-232-009, and the right and time for appeal.

6. By execution of the Stipulation, Defendants expressly waive the right to challenge the City's right to acquire the property by eminent domain, the right to further and greater compensation and damages of whatever kind or nature, and the right to an award of interest, attorneys fees and costs, to the extent that they may be allowable by law.

7. By execution of the Stipulation, the total compensation is in complete settlement of any and all claims for compensation arising from the taking of the real property described in Exhibit 'A' hereto, including costs, statutory interest, severance damages, fixtures, equipment, or inventory, loss of business goodwill, relocation assistance, loss of or damage to improvements pertaining to the realty, damages for precondemnation or inverse condemnation, attorney's fees, all costs and litigation expenses of Defendants against the City by reason of taking of the Subject Property.

8. Pursuant to the Stipulation, Defendants make a knowing waiver of any and all rights created by California Civil Code section 1542.

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1 9. Pursuant to the Stipulation, the total amount of just compensation to be paid by
2 plaintiff to Defendants is the sum of Fifteen Thousand Dollars (\$15,000.00) (“Award”).

3 10. On September 15, 2016, the City deposited the sum of Fifteen Thousand Dollars
4 (\$15,000.00) (“Deposit”) with the Treasurer of the State of California, Condemnation Fund, as
5 the probable amount of just compensation for APNs 150-232-008 and 150-232-009.

6 11. No funds have been withdrawn from the Deposit and \$15,000.00 remains on
7 deposit with the State Treasurer condemnation fund.

8 12. Pursuant to the Stipulation, payment of the Award by the City shall be made to
9 Defendants outside these court proceedings within thirty (30) days after entry of this Judgment
10 and Final Order of Condemnation.

11 13. An Order of Prejudgment Possession became effective as to Defendants’ interest
12 in and to APNs 150-232-008 and 150-232-009 on or about May 18, 2017.

13 14. The use for which an interest in and to APNs 150-232-008 and 150-232-009 is
14 being acquired is a use authorized by law and the acquisition of said interest is necessary to said
15 use.

16 15. The following defendant was dismissed from this action on the date indicated
17 below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
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All persons unknown claiming an interest in the property	01/24/2017
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21 16. The following defendant filed a disclaimer on the date indicated below and is
22 entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
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United States of America	09/15/2017
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1 17. The following defendants have been regularly served with process herein and
2 having failed to appear or answer within the time allowed by law, had their defaults taken on the
3 dates indicated below:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
CTC Real Estate Services	04/27/2017
Mortgage Electronic Registration Systems, Inc.	12/12/2017
Town & County Escrow Corporation	04/27/2017
Family Trust of Judith A. Biggs, dated August 14, 2006	04/27/2017
Family Trust of Marvin J. Randel and Susan L. Randel, established August 13, 2004	04/27/2017

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

13 1. The total compensation, award, and damages to be paid as a result of the
14 condemnation of the interests of defendants Salvador F. Arteaga aka Salvador Arteaga and
15 Gloria Arteaga (collectively "Defendants") in and to APNs 150-232-008 and 150-232-009 is the
16 total sum of Fifteen Thousand Dollars (\$15,000.00).

17 2. Payment of the Award hereunder shall be deemed to expressly include all costs of
18 suit pursuant to California Code of Civil Procedure section 1268.710 and all litigation expenses
19 including, but not limited to, those defined in California Code of Civil Procedure section
20 1235.140. Payment hereunder shall further be deemed to be the total just compensation and
21 damages, if any, to which Defendants shall be entitled by reason of the condemnation of and
22 construction activities by plaintiff on APNs 150-232-008 and 150-232-009 as described in
23 Exhibit A hereto.

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1 3. The State Treasurer is authorized and directed to disburse to plaintiff the sum of
2 Fifteen Thousand Dollars (\$15,000.00) from those funds on deposit in the Condemnation Fund
3 in connection with the above-entitled matter. Payment of said funds shall be made payable to
4 “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 Fifteen Thousand Dollars (\$15,000.00) shall be paid
9 by plaintiff outside these court proceedings to Defendants as follows: the draft shall be made
10 payable to “Salvador F. Arteaga and Gloria Arteaga” and forwarded to:

11 Salvador F. Arteaga and Gloria Arteaga
12 2404 E. Palmyra Ave.
13 Orange CA 92869

13 5. Payment by the City of the total Award shall constitute payment in full for the
14 real property taken and for all damages of any kind and nature whatsoever suffered by
15 Defendants by reason of such taking.

16 6. An Order of Prejudgment Possession became effective as to the interest of
17 Defendants in and to APNs 150-232-008 and 150-232-009 on May 18, 2017.

18 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
19 CONDEMNATION:

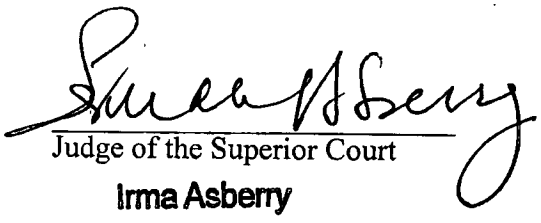
20 The interest of defendants Salvador F. Arteaga aka Salvador Arteaga; Gloria Arteaga;
21 United States of America; CTC Real Estate Services; Mortgage Electronic Registration Systems,
22 Inc.; Town & County Escrow Corporation; Family Trust of Judith A. Biggs, dated August 14,
23 2006; Family Trust of Marvin J. Randel and Susan L. Randel, established August 13, 2004;
24 (collectively “Defendants”) in the real property described in Exhibit “A” as to Assessor’s Parcel
25 Numbers 150-232-008 and 150-232-009 is hereby condemned for the public use and purposes
26 described in the Complaint as installing approximately 10 miles of 69kV sub-transmission lines,
27 construction of a new 230kV to 69kV substation, improvements to five existing substations,
28 relocation of existing distribution lines, and installation of new telecommunication lines, from

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Riverside's Energy Resource Center (RERC) to Riverside Public 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 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 Numbers 150-232-008 and 150-232-009 are legally described in Exhibit 'A' hereto.

DATED: 4-13-18


Judge of the Superior Court
Irma Asberry

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L16-0089.04

D-17476

EXHIBIT A

Public Utility Easement
POR. A.P.N. 150-232-008

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 shown by Map on file in Book 12, Pages 42 to 51 of Maps, records of Riverside County, California, described as follows:

Beginning at the Northeasterly corner of said Lot 4;

Thence South $0^{\circ}54'30''$ East along the Easterly line of said Lot 4, a distance of 50 feet;

Thence North $81^{\circ}39'18''$ West and parallel with the Northerly line of said Lot 4, a distance of 100 feet to a point;

Thence North $0^{\circ}54'30''$ West and parallel with said Easterly line of Lot 4, a distance of 50 feet to the Northerly line of said Lot 4;

Thence South $81^{\circ}39'18''$ East along said Northerly line of Lot 4, a distance of 100 feet to the **Point of Beginning**.

Containing 0.02 Acres or 750 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.

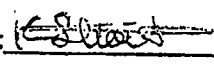


Richard F. Wenglikowski, L.S. 4904

Date

8/17/14

DESCRIPTION APPROVAL:

BY: 

9/15/2014

DATE

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



Public Utility Easement
POR. A.P.N. 150-232-009

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 that portion of Lot 4 in Block 18 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, records of Riverside County, California, described as follows:

Beginning at the Northeast corner of said Lot 4;

Thence South $0^{\circ}54'30''$ East, 99.64 feet to the most southerly corner of Parcel 1 of that certain parcel of land described in Grant Deed recorded December 10, 2004, per document No. 2004-981265 of Official Records of said Riverside County;

Thence North $81^{\circ}39'18''$ West, along the southerly line of said parcel, a distance of 347.61 feet to a point on the West line of said Lot 4;

Thence North $08^{\circ}21'54''$ East, 98.34 feet to the Northwest corner of said Lot 4;

Thence South $81^{\circ}39'18''$ East, along the northerly line of said Lot 4, a distance of 331.60 feet to the **Point of Beginning**.

Excepting therefrom that portion described as follows:

Beginning at the Northeast corner of said Lot 4;

Thence South $0^{\circ}54'30''$ East, along the easterly line of said Lot 4, a distance of 50 feet;

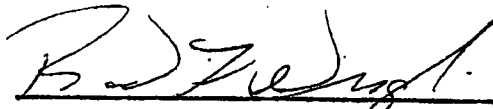
Thence North $81^{\circ}39'18''$ West, parallel with the North line of said Lot 4, a distance of 100 feet to a point;

Thence North 0°54'30" West, parallel with the Easterly line of said Lot 4, a distance of 50 feet to a point on the North line of said Lot 4;

Thence South 81°39'18" East, along the North line of said Lot 4, a distance of 100 feet to the **Point of Beginning**.

Containing 0.02 Acres or 745 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 8/17/14
Date



DESCRIPTION APPROVAL:

BY: 
FOR: CURTIS C. STEPHENS, L.S. 7810 9/15/14
CITY SURVEYOR DATE

PROOF OF SERVICE
City of Riverside v. Arteaga
RIC1616302

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 April 10, 2018, I served the within JUDGMENT AND FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:


Salvador F. Arteaga
Gloria Arteaga
2404 E Palmyra Ave
Orange CA 92869
Tel: (714) 473-1966

Defendants

(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 April 10, 2018, at Riverside, California.



Kimberly Oehlert