

When Recorded Mail To:

Riverside City Attorney's Office

3750 University Ave. #250

Riverside, CA 92501

Ref: CA# L16-0089.31

2019-0000799

01/02/2019 12:17 PM Fee: \$ 0.00

Page 1 of 10

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



380

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

Space above this line reserved for Recorder's use.

**FINAL ORDER OF CONDEMNATION
CASE NO. RIC1615049**

17516

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."

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 24 2018

E. Usher

LAT
DEC 27 2018

1 GARY G. GEUSS, City Attorney, SBN 128022
2 ROBERT L. HANSEN, Assistant City Attorney, SBN 130677
3 BRANDON S. MERCER, Senior Deputy City Attorney, SBN 244413
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6 Riverside CA 92501
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8 Fax: (951) 826-5540
9 bmercer@riversideca.gov

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

11 SUPERIOR COURT OF CALIFORNIA
12 COUNTY OF RIVERSIDE

13 CITY OF RIVERSIDE, a California charter) Case No. RIC1615049
14 city and municipal corporation,)
15 Plaintiff,) Parcel: 233-150-004
16 vs.) ~~PROPOSED~~ FINAL ORDER OF
17 THRIFTY OIL CO.; et al.,) CONDEMNATION
18 Defendants.) Judge: Honorable John W. Vineyard
19 Dept.: 01
20 [Filed Concurrently with:
21 1. Stipulation Re Settlement And For Entry of
22 Judgment and Final Order of Condemnation; and
23 2. (Proposed) Judgment in Condemnation.]

24 IT IS HEREBY FOUND AND DETERMINED:

25 Judgment has been entered in the above-entitled action, and it appears to the satisfaction
26 of the Court that plaintiff City of Riverside ("City) has given sufficient consideration as just
27 compensation for all claims and demands against the City on account of its acquisition of an
28 Easement (as so defined in Exhibit A) in certain real property located at 3399 Van Buren
Boulevard, Riverside, California identified as Assessor Parcel No. 233-150-004 ("Subject
Property"). The Easement condemned to the City in and to the Subject Property is legally
described in Exhibit "A" attached hereto.

1 NOW, THEREFORE, IT IS HEREBY ORDERED that the Easement in the Subject
2 Property is condemned to the City as against defendants Thrifty Oil Co., Temescal Water
3 Company, Tesoro Refining and Marketing Company LLC, TMSO, Inc., and USA Gasoline
4 (collectively "Defendants").

5 IT IS FURTHER ORDERED that the use and purposes for which the Easement is
6 condemned is for public right-of-way purposes and is part of a project that includes the
7 installation of approximately 10 miles of 69kV sub-transmission lines, construction of a new
8 230kV to 69kV substation, improvements to five existing substations, relocation of existing
9 distribution lines, and installation of new telecommunication lines, from Riverside's Energy
10 Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman
11 Substations, and for such other uses as are permitted pursuant to section 130220.5 of the Public
12 Utilities Code and Code of Civil Procedure sections 1240.110 and 1240.120.

13 IT IS FURTHER ORDERED that upon recording a certified copy of the Final Order of
14 Condemnation in the Office of the Recorder of Riverside County, California, all interests of
15 Defendants in and to the Property, as defined above, are hereby subject to the Easement (as
16 described in Exhibit A) condemned by the City.

17
18 DATED: 12/17, 2018



JUDGE OF THE SUPERIOR COURT

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20 \\rc-citylawprod\Cycom\WPDocs\D002\p022\00425742.DOC
21 L16-0089.31

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EXHIBIT A

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Exhibit A
Easement

An **overhead aerial easement** ("Easement") that is no less than 30 feet above the ground surface (local Elevation 845') and situated over and above that portion of the real property having Assessor's Parcel Number 233-150-004 (the "Subject Property") that is described in **Exhibit "1"** hereto and depicted on the map attached hereto as **Exhibit "2"**.

The Easement shall be for construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal (individually and collectively, "Permitted Use(s)") of electrical energy distribution and transmission facilities and telecommunications facilities, together with all necessary appurtenances, over and above (but not on, upon or under the surface of) the above-described portion of the Subject Property. To the extent the City of Riverside ("City") or any of its agents, representatives or contractors engage in any Permitted Use(s) over or above the above-described portion of the Subject Property that is subject to the Easement, City shall ensure there remains continuous, unimpeded vehicular and pedestrian access to the Subject Property and businesses operating thereon. Except for the City and its agents, representatives and contractors, no person or entity shall erect, place, construct (or permit to be erected, placed or constructed) any structures or modifications to existing structures more than 30 feet above the ground surface (local Elevation 845') of above-described portion of the Subject Property.

The Easement does not include or grant any surface rights in or to the Subject Property, nor does it grant either a "Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunications Facilities Easement (Public Utilities Easement)" or a "60-Day Temporary Construction Easement (Temporary Construction Easement)" as such are further described on the first page of Exhibit 1 to the Complaint in Eminent Domain filed in Riverside County Superior Court Case #RIC1615049.

EXHIBIT "1"

Public Utility Easement (Aerial)
POR. A.P.N. 233-150-004

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

That portion of land lying in Lot 4, Block 30 of Riverside Land and Irrigation Company, as shown by Map on file in Book 1, Page 70 of Maps, Records of Riverside County, California, and being a portion of Parcel 1 of record of survey on file in Book 52, Page 85 of Record of Surveys, records of Riverside County, California, and is further described as follows:

COMMENCING at the most westerly corner of said Lot 4;

THENCE North 56°00'58" East along the northwesterly line of said Lot 4, a distance of 165.00 feet;

THENCE South 33°59'02" East, a distance of 4.00 feet to the most northerly corner of said Parcel 1, the **TRUE POINT OF BEGINNING**;

THENCE continuing South 34°00'02" East along the northeasterly line of said Parcel 1, a distance of 12.00 feet;

THENCE South 53°58'56" West, a distance of 149.37 feet to the southwesterly line of said Parcel, said point is the start of a non tangent curve with a radius of 23.00 feet concaving easterly with a radial bearing South 70°21'43" West;

THENCE along above said curve northerly to the right a distance of 30.37 feet through a central angle of 75°39'15";

THENCE North 56°00'58" East along the northwesterly line of said Parcel 1, a distance of 126.99 feet to the **TRUE POINT OF BEGINNING**.

Containing 0.05 acres or 2087 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

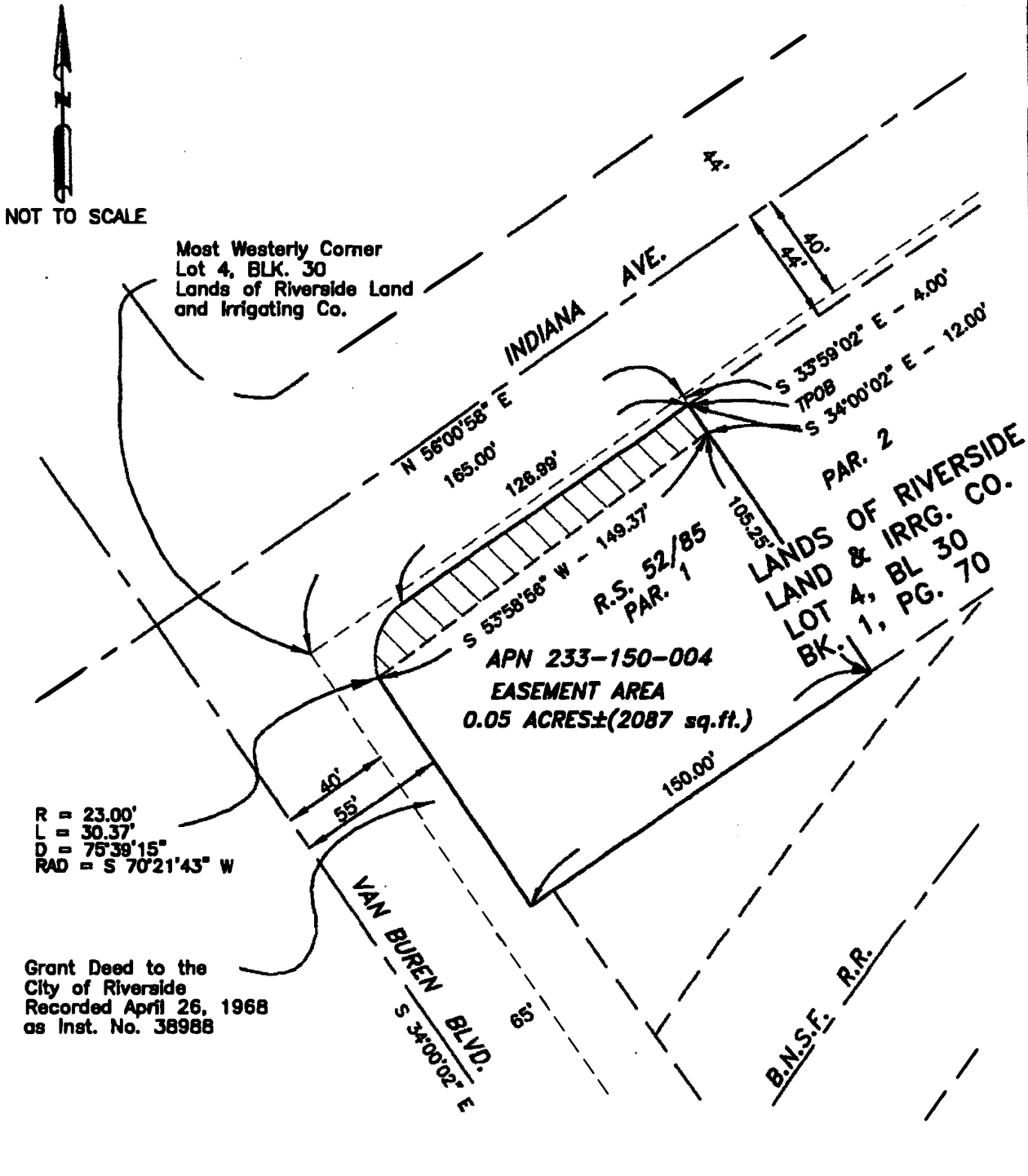
11/25/17

Date



EXHIBIT "2"

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.



Grant Deed to the
City of Riverside
Recorded April 26, 1968
as Inst. No. 38988

Richard F.
Wenglikowski PLS
Carey, ID
208-720-5692

DATE
01/29/18

CITY OF RIVERSIDE PUBLIC UTILITY
PUBLIC UTILITY EASEMENT (AERIAL)

PROJECT: 69KV RTRP PROJECT

SHEET NO.
1 of 1

DRAWING NO.
CB-66S-D36

PROOF OF SERVICE
City of Riverside v. Thrifty Oil Co.
RIC1615049

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 December 13, 2018, I served the within [PROPOSED] FINAL ORDER OF CONDEMNATION on the interested parties in said action addressed as follows:

Kevin H. Brogan, Esq.
HILL, FARRER & BURRILL LLP
One California Plaza, 37th Floor
300 South Grand Avenue
Los Angeles CA 90071-3147
Tel: (213) 620-0460
Fax: (213) 624-4840

Attorneys for defendant:
Thrifty Oil Co.

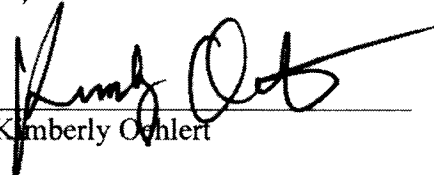
Douglas A. Gravelle, Esq.
HINSON GRAVELLE & ADAIR LLP
28470 Avenue Stanford, Suite 350
Valencia CA 91355
Tel: (661) 294-0116
Fax (661) 294-0134
gravelle@hinsongravelle.com

Attorneys for defendants:
Tesoro Refining and Marketing
Company, LLC; and
TMSO, Inc.

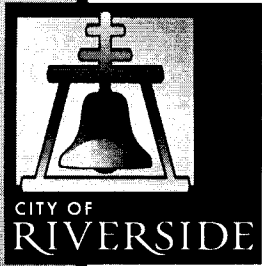
(XX) **VIA MAIL** - In accordance with the regular mail collection and processing practices of this business office, with which I am familiar, by means of which mail is deposited with the United States Postal Service at Riverside, California, that same day in the ordinary course of business, I deposited 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 December 13, 2018, at Riverside, California.



Kimberly Oehlert



MEMORANDUM

CITY ATTORNEY'S OFFICE

RECEIVED

JAN 08 2019

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: January 8, 2019
RE: CITY V. THRIFTY OIL CO. (RIVERSIDE TRANSMISSION RELIABILITY PROJECT); CA L16-0089.31; RIVERSIDE SUPERIOR COURT CASE NO. RIC1615049

Enclosed is the original recorded 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