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Page 1 of 11

Recorded in Official Records
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Peter Aldana
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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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Space above this line reserved for Recorder's use.

**JUDGMENT AND FINAL ORDER OF CONDEMNATION
CASE NO. RIC1614151**

17518

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."

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 15 2019


K. Rahlwes

Attorneys for Plaintiff, City of Riverside

(Fee Exempt Gov't Code § 6103)

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF RIVERSIDE

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

Case No. RIC1614151

12 Plaintiff,)

**JUDGMENT AND FINAL ORDER OF
CONDEMNATION**

13 vs.)

Assigned to the Honorable Irma Asberry
Department 1

14 TERESITA C. CANO; et al,)

15 Defendants.)

Complaint filed: 10/26/2016
TSC: 03/07/2019
OSC: 03/07/2019

17 This Judgment and Final Order of Condemnation is hereby made following disposition
18 through the court proceedings described below of all parties and property interests alleged in the
19 Complaint in Eminent Domain.
20

21 IT IS HEREBY FOUND AND DETERMINED:

22 1. Pursuant to its Charter, sections 37350.5, 39792, and 40404 of the Government
23 Code of the State of California, section 1240.010 of the Code of Civil Procedure of the State of
24 California, and Article I, section 19 of the Constitution of the State of California, plaintiff City of
25 Riverside ("City") is authorized to acquire real property or interests therein for public uses and
26 purposes, to wit: to install approximately 10 miles of 69kV sub-transmission lines, construct a
27 new 230kV to 69kV substation, improve five existing substations, relocate existing distribution
28 lines, and install new telecommunication lines, from Riverside's Energy Resource Center
(RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations.

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

3. 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 23068 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.

4. Plaintiff named the following defendants in this action:

<u>Defendant Name</u>	<u>Property Interest</u>
Teresita C. Cano	Owner
Salvador M. Del Campo	Owner
North American Title Company, Inc.	Trustee
OCRE Investment Fund 1, L.L.C	Beneficiary
Southern California Edison Company	Easement Holder
Jerry Lee King	Easement Holder
Frances Jean King	Easement Holder
Five Star Service Corporation	Deed of Trust Trustee
Green Tree Servicing L.L.C	Deed of Trust Beneficiary
Secured Funding Corporation	Deed of Trust Trustee
U.S. Bank National Association as Indenture Trustee for Home Equity Mortgage Trust 2007-1	Deed of Trust Beneficiary
Midland Funding L.L.C	Potential Claimant
Salvador Arteaga	Potential Claimant

<u>Defendant Name</u>	<u>Property Interest</u>
Gloria Arteaga	Potential Claimant
All persons unknown claiming an interest in the property	Potential Claimant

5. On or about April 28, 2017, Ditech Financial, LLC, appeared in this action upon the filing of its answer as successor-in-interest to defendant Green Tree Servicing LLC.

6. The following defendant was dismissed on the date indicated below and is entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
Green Tree Servicing LLC (appearing in this action by and through its successor-in-interest Ditech Financial, LLC)	10/11/2018

7. 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>
Teresita C. Cano	05/19/2017
Salvador M. Del Campo	01/11/2019
OCRE Investment Fund 1, LLC	12/31/2018
Jerry Lee King	04/26/2017
Frances Jean King	04/26/2017
Secured Funding Corporation	04/26/2017
U.S. Bank National Association as Indenture Trustee for Home Equity Mortgage Trust 2007-1	04/26/2017
Midland Funding LLC	04/26/2017
All persons unknown claiming an interest in the property	04/26/2017

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Salvador Arteaga 04/26/2017

Gloria Arteaga 04/26/2017

8. The following defendants filed a disclaimer on the date indicated below and are entitled to no compensation:

<u>DEFENDANT</u>	<u>DATE OF FILING</u>
North American Title Company, Inc.	10/30/2018
Southern California Edison Company	12/01/2016
Five Star Service Corporation (by CitiMortgage, Inc., as its successor-in-interest)	11/29/2016

9. On April 28, 2017, defendant Five Star Service Corporation ("Five Star") was erroneously disposed by the court due to a filing error by Ditech Financial, LLC. As a result, Five Star's previously filed Disclaimer of Property Interest and Compensation ("Disclaimer") was expunged by the court.

10. On March 28, 2018, this court entered an order reinstating the Disclaimer filed by CitiMortgage, Inc., as successor-in-interest to Five Star and restoring the party status of Five Star Service Corporation to "disclaimed."

11. On September 15, 2016, plaintiff deposited with the Office of the Treasurer for the state of California the amount of Six Thousand Nine Hundred Dollars (\$6,900.00) as a deposit of probable just compensation ("Condemnation Deposit") for the property described in the attached exhibit "A."

12. The Condemnation Deposit has not been withdrawn and remains on deposit with the State Treasurer's Office.

13. An Order of Prejudgment Possession ("OPP") as to the property described in the attached exhibit "A" was filed by the court herein on April 25, 2017. Said OPP became effective on May 28, 2017.

14. 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.

1 NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that judgment in
2 condemnation is hereby made in favor of the City of Riverside. The following defendants are
3 entitled to no compensation or damages: Teresita C. Cano; North American Title Company, Inc.;
4 OCRE Investment Fund 1, LLC; Southern California Edison Company; Jerry Lee King; Frances
5 Jean King; Five Star Service Corporation; Secured Funding Corporation; U.S. Bank National
6 Association as Indenture Trustee for Home Equity Mortgage Trust 2007-1; Midland Funding
7 LLC; Salvador Arteaga; Gloria Arteaga; and All persons unknown claiming an interest in the
8 property. The Condemnation Deposit remains on deposit with the State Treasurer's office for the
9 benefit of Salvador M. Del Campo as owner of the Subject Property.

10 WHEREFORE THE COURT NOW MAKES THE FOLLOWING ORDER OF
11 CONDEMNATION:


12 The interests of defendants Teresita C. Cano; Salvador M. Del Campo; North American
13 Title Company, Inc.; OCRE Investment Fund 1, LLC; Southern California Edison Company;
14 Jerry Lee King; Frances Jean King; Five Star Service Corporation; Secured Funding
15 Corporation; U.S. Bank National Association as Indenture Trustee for Home Equity Mortgage
16 Trust 2007-1; Midland Funding LLC; Salvador Arteaga; Gloria Arteaga; and All persons
17 unknown claiming an interest in the property, in the real property described in the attached
18 exhibit "A" are hereby condemned for the public use and purpose described in the complaint
19 herein, to install approximately 10 miles of 69kV sub-transmission lines, construct a new 230kV
20 to 69kV substation, improve five existing substations, relocate existing distribution lines, and
21 install new telecommunication lines, from Riverside's Energy Resource Center (RERC) to
22 Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations, plaintiff to take title to
23 the interest(s) of said defendants in said real property together with all improvements thereon in
24 which said defendant has an interest, and except as otherwise described in the attached exhibit

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"A," free and clear of any and all liens, encumbrances, easements, and leaseholds of whatever kind or nature.

The interest condemned to the City of Riverside in and to Assessor's Parcel Number 150-232-014 is legally described in Exhibit "A" hereto.

DATED: 2/15/19 
JUDGE OF THE SUPERIOR COURT
CHAD W. FIRETAG

\\rc-city\lawprod\Cycom\WPDocs\D006\P023\00462036.DOC
L16-0089.07

EXHIBIT A

**Public Utility Easement
POR. A.P.N. 150-232-014**

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 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- 51 inclusive of Maps, records of Riverside County, California;

Excepting therefrom that portion of said Lot 4, described as follows:

Beginning at the Northeast corner of said Lot 4;

Thence South 0°54'30" East, 99.64 feet to the most southerly corner 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°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°21'54" East, 98.34 feet to the Northwest corner of said Lot 4;

Thence South 81°39'18" East, along the northerly line of said Lot 4, a distance of 331.60 feet to the Point of Beginning.

Also excepting therefrom that portion described in Grant Deed recorded September 25, 2002, per Document No. 2002-531817 of Official Records of said Riverside County, being more particularly described as follows:

Commencing at the southeasterly corner of said Lot 4;

Thence North 0°54'30" West, along the easterly line of said Lot 4, a distance of 50 feet to the Point of Beginning;

Thence continuing North 0°54'30" West, along the easterly line of said Lot 4, a distance of 50 feet;

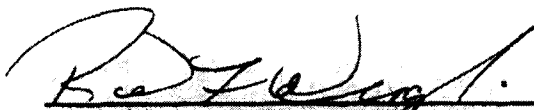
Thence North 81°39'18" West, and parallel with the northerly line of said Lot 4, a distance of 100 feet;

Thence South 0°54'30" East, and parallel with the easterly line of said Lot 4, a distance of 50 feet;

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

Containing 0.03 Acres or 1,102 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.

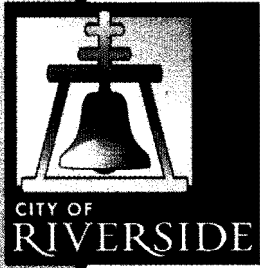

Richard F. Wenglikowski, L.S. 4904 8/17/14 Date



DESCRIPTION APPROVAL:

BY:  9/15/2014 DATE

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



MEMORANDUM

CITY ATTORNEY'S OFFICE

RECEIVED

MAR 05 2019

City of Riverside
City Clerk's Office

TO: City Clerk
FROM: Kimberly Oehlert
DATE: March 5, 2019
RE: CITY V. TERESITA CANO (RIVERSIDE TRANSMISSION RELIABILITY PROJECT); CA L16-0089.07; RIVERSIDE SUPERIOR COURT CASE NO. RIC1614151

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