

199-2

CITY OF RIVERSIDE INTER-OFFICE COMMUNICATION

DATE September 27, 1968

TO: William D. Gardner, Assistant City Engineer, Public Works Dept.

FROM: M. Neal Singer, Assistant City Attorney

SUBJECT: GOODSPEED PROPERTY - ARLINGTON AVENUE EXTENSION (CITY OF RIVERSIDE vs. GOODSPEED, et al, No. 85222)

Pursuant to our telephone conversation on September 27, 1968, I enclose for your information copies of the Interlocutory Judgment in Condemnation and the Final Order of Condemnation for Parcels 1, 2, 3, 3A, and 4.

You should particularly note the paragraph starting on line 27 of page 3 of the Interlocutory Judgment, and continuing through line 11 on page 4. This relates to the encroaching portion of a brick garage within the City's right-of-way, and establishes the procedure to be followed at such time as the City desires to remove the encroachment. You indicated that the City will probably wait until the property develops, but in case the need arises prior to that time, you should have the procedure for removal in your files.

Neal

MNS:mes
Attachments 2

Public Works Dept.		Initial	Info.	Action
Director		<i>JS</i>		
Assistant				
Building				
Traffic				
Airport				
Off. Engr.		<i>WHL</i>		
Cap. Proj.		<i>WHL</i>		
1911 Act				
Plan Chk.				
Rt. of W.				<input checked="" type="checkbox"/>
Inspection				
Survey		<i>EP</i>		<input checked="" type="checkbox"/>
Clerical				
File				<input checked="" type="checkbox"/>

Make sure this is on counter books.
Completed

RECEIVED

SEP 30 1968

DEPT. OF PUBLIC WORKS

5-48 HB

E-208

1 JOHN WOODHEAD
 City Attorney
 2 M. NEAL SINGER
 Deputy City Attorney
 3 City Hall
 Riverside, California 92501
 4 Telephone 787-7567
 5 Attorneys for Plaintiff
 6
 7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 IN AND FOR THE COUNTY OF RIVERSIDE

10
 11 CITY OF RIVERSIDE, a municipal)
 corporation,)
 12) No. 85222.
 Plaintiff,)
 13 vs.) INTERLOCUTORY JUDGMENT
) IN CONDEMNATION
 14)
 RALPH F. GOODSPEED, et al.,) (Parcels 1, 2, 3, 3A and 4)
 15)
 Defendants.)
 16)
 17

18 This action in eminent domain was commenced by plaintiff,
 19 City of Riverside, to condemn the fee simple title and interest
 20 in Parcels 1, 2, 3, 3A and 4, which parcels are more particularly
 21 described in the complaint on file herein, as amended on
 22 January 31, 1966, by order of this Court, for the extension and
 23 improvement of Arlington Avenue, a public street and highway
 24 in the City of Riverside, State of California. John Woodhead,
 25 City Attorney, by M. Neal Singer, Deputy City Attorney, appeared
 26 as attorney for plaintiff, City of Riverside. Reid, Babbage &
 27 Coil, by Enos C. Reid, Esq., appeared for defendants Ralph F.
 28 and Thelma H. Goodspeed, owners of the property condemned.

29 The disclaimer of any and all interest in compensation
 30 or damages to be awarded herein was executed by defendant
 31 Warren Ogilvie, which defendant was served as Doe I herein,
 32 and is filed herein.

1 This action came on regularly for trial in Department 3
2 of this Court, on Monday, the 26th day of September, 1966.
3 A jury trial having been duly waived, the matter was tried
4 before the Court sitting without a jury, from September 26,
5 1966, through September 30, 1966, inclusive.

6 Having considered the evidence presented and the law,
7 and after due deliberation thereon, good cause appearing therefor,
8 the Court determined and decided as follows:

9 "The fair market value, on 26 April 1965, of each
10 of the parcels herein involved, and all improvements
11 thereon pertaining to the realty, was as follows:

12 The fair market value of Parcel 1 was \$45,000.00

13 The fair market value of Parcel 2 was \$25.00

14 The fair market value of Parcel 3 was \$275.00

15 The fair market value of Parcel 3A was \$287.50

16 The fair market value of Parcel 4 was \$2,100.00

17 The amount of the damages which have accrued to the
18 portion not sought to be condemned, by reason of its
19 severance from the portion sought to be condemned, was
20 \$9,000.00. The portion not sought to be condemned was
21 not benefited by the construction of the improvement."

22 Findings of Fact and Conclusions of Law having been
23 waived by the parties herein and good cause appearing therefor,

24 IT IS HEREBY ORDERED AND ADJUDGED that upon payment
25 into Court for the benefit of defendants Ralph F. Goodspeed and
26 Thelma H. Goodspeed or, alternatively, upon payment to
27 defendants' attorneys on behalf of defendants and filing of a
28 satisfaction of judgment by said attorneys, of the total sum
29 of \$56,687.50, plus interest thereon at 7% per annum from
30 June 21, 1965, the property identified in the pleadings and
31 pre-trial conference order, as amended by order of this Court,
32 as Parcels 1, 2, 3, 3A and 4, together with all improvements

1 thereon pertaining to the realty, shall be condemned for the
2 uses and purposes set forth in the complaint and pre-trial
3 conference order, both as amended.

4 IT IS FURTHER ORDERED AND ADJUDGED that said use as
5 described in the complaint and pre-trial conference order,
6 both as amended, is authorized by law, and is a public use;
7 and that the taking in condemnation is necessary for that public
8 use.

9 IT IS FURTHER ORDERED AND ADJUDGED that the payment of
10 said sum of \$56,687.50, together with interest thereon as
11 above set forth, constitutes full payment for the interests
12 in Parcels 1, 2, 3, 3A and 4, being the land taken together
13 with all the improvements thereon pertaining to the realty, and
14 further constitutes full payment for the damages which have
15 accrued to the portion not sought to be condemned, by reason
16 of its severance from the portion sought to be condemned, and
17 the construction of the improvement in the manner proposed by
18 the plaintiff and all other damages of every kind and nature
19 suffered by the defendants by reason of the taking of the
20 property; and upon said payment by plaintiff as hereinabove
21 described, the plaintiff shall be entitled to and this Court
22 shall make a final order of condemnation in the manner provided
23 by law, which final order of condemnation shall describe the
24 parcels condemned and the purpose of such condemnation.

25 IT IS FURTHER ORDERED AND ADJUDGED that no interest
26 or sum is due or owing to defendant Warren Ogilvie.

27 IT IS FURTHER ORDERED AND ADJUDGED that the encroaching
28 portion of that approximately 816-square-foot brick garage,
29 which presently encroaches over an approximately 30-square-foot
30 portion of the southerly line of Parcel 1 and on said Parcel 1
31 shall remain on the property condemned by plaintiff for a period
32 of at least one year after the date of this interlocutory

1 judgment of condemnation; any time after said one-year period
2 plaintiff shall have the right to remove, at the expense of
3 plaintiff, said garage on the encroaching portion, at the
4 election of plaintiff, upon the giving to defendants a prior
5 thirty (30) days' notice of plaintiff's intent to remove;
6 said notice shall be sufficient if personally delivered or
7 deposited in the United States mail and addressed to defendants
8 or either of them at their last known address; plaintiff, its
9 agents, employees or contractors shall have the right to enter
10 upon such portions of defendants' property surrounding said
11 garage as shall be necessary to accomplish said removal.

12 IT IS FURTHER ORDERED AND ADJUDGED that all taxes
13 due and owing the County of Riverside for the property condemned
14 shall be cancelled effective June 21, 1965.

15 IT IS FURTHER ORDERED that defendants Ralph F. Goodspeed
16 and Thelma H. Goodspeed recover costs of suit incurred herein
17 in the sum of \$24.50.

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20 Dated: 19 Oct. 66

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22 S. Thomas Bucciarrelli
23 Judge
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27 entered Judge Buch III pg. 489
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