

EXHIBITS FILED WITH -

STIPULATION

EXHIBITS

- A - Properties Condemned To The City of Riverside.
- B - General Statement Of Liabilities, Duties, Burdens and Contractual Obligations Assumed By The City of Riverside.
- C - A Listing of Properties being Retained By The Gage Canal Company and Released From the Lis-Pendens In Suit Filed In Riverside County Superior Court; Case Number 70785.
- D - Gage Canal Company Service Area Description.
- D-1 - Contract For Delivery of Water.
- E - By-Laws of The Gage Canal Company.
- F - Agreement For Operation of Gage Canal Facilities.

JUDGMENT

EXHIBITS

- A Riverside County
 San Bernardino County
- C San Bernardino County

RECORDED AT REQUEST

LELAND J. THOMPSON
RIVERSIDE COUNTY ATTORNEY
'66 APR 12 AM 8 49

ORIGINAL

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408

BOOK 6606 PAGE 521

BOOK 6606 PAGE 521

MAIL TO:

OFFICIAL RECORDS
SAN BERNARDINO CO. CALIF.

1 LELAND J. THOMPSON
2 City Attorney
3 JOHN WOODHEAD
4 Asst. City Attorney
5 Room 22 City Hall
6 Riverside, California
7 Telephone 686-7575
8 Attorneys for Plaintiff

Ind. R. Recorder
COUNTY RECORDER

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INDEXED NO FEE
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FILED
RIVERSIDE COUNTY

JUN - 9 1965

DONALD D. SULLIVAN, Clerk
By *W. A. Stratton* Deputy

408

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

11 CITY OF RIVERSIDE, a municipal)
12 corporation,)
13 Plaintiff,)
14 -vs-)
15 THE GAGE CANAL COMPANY, a)
16 corporation, et al.)
17 Defendants.)

No. 70785

JUDGMENT IN EMINENT
DOMAIN AND FINAL ORDER
OF CONDEMNATION.

572

San Bernardino County Recorder
Date April 12, 1966

Pursuant to Stipulation for Judgment in Eminent Domain
and Final Order of Condemnation of the Plaintiff, City of River-
side, and the Defendant, The Gage Canal Company, which is hereby
approved, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. There is hereby condemned to the Plaintiff, City
of Riverside, as against the Defendant, The Gage Canal Company,
for the purpose of producing, diverting, conducting, storing,
supplying and distributing water to and for the use of the
Plaintiff, its lands and inhabitants, and for the present and
future development and control of such use, the herein
described property, including fee title thereto where owned by
the Defendant, The Gage Canal Company, and all lesser interests
and estates of said Defendant therein, subject to all of the
obligations, duties and liabilities imposed by law.

EXHIBIT "A" - PROPERTIES CONDEMNED TO THE CITY OF RIVERSIDE

EXHIBIT "C" - A LISTING OF PROPERTIES BEING RETAINED BY THE GAGE CANAL COMPANY

-1-

AND RELEASED FROM THE ITS PENDING IN SUIT
FILED IN RIVERSIDE COUNTY SUPERIOR COURT;

EXHIBITS "A" AND "C" RECORDED

CASE #70785

1 2. Said property is condemned upon the terms and
2 conditions set forth in said Stipulation, and the Plaintiff,
3 City of Riverside, and the Defendant, The Gage Canal Company,
4 are hereby ordered to comply with and perform all of the terms
5 and conditions of said Stipulation required on its part, the
6 terms of which are hereby incorporated by reference thereto.

7 3. The uses for which the hereinafter described prop-
8 erty is sought to be condemned are public uses authorized by
9 law, and the taking of said property in condemnation by Plair-
10 tiff is necessary to such public uses, and to the extent if any
11 that any property of the Defendant, The Gage Canal Company,
12 condemned herein is already appropriated to some public use,
13 the public use to which it is to be applied by Plaintiff is
14 a more necessary public use.

15 4. Performance of the terms and conditions of said
16 Stipulation, as ordered herein, shall be in full satisfaction
17 and payment of all property condemned herein, together with
18 any and all improvements thereon, and for all damages of
19 every kind and nature suffered by the Defendant, The Gage
20 Canal Company, by reason of the taking of said property
21 and its possession and use by Plaintiff, and the construction
22 of improvements and the use thereon in the manner proposed
23 by Plaintiff; and all liens, leaseholds, and encumbrances,
24 or interest of whatsoever kind or nature in or to said property
25 of Defendant, The Gage Canal Company, are hereby cancelled, dis-
26 charged and extinguished, unless otherwise provided by this Judg-
27 ment. It is hereby expressly found that the terms of said
28 Stipulation are fair and reasonable, and that the requirements
29 contained therein on the part of Plaintiff and in favor of
30 Defendant, The Gage Canal Company, are equal to the value of
31 the property condemned herein and to any and all damages
32

RECORDED IN RIVERSIDE COUNTY - JUNE 9, 1965 - INSTRUMENT NO. 66798

EXHIBIT "A" ONLY

545

1 LELAND J. THOMPSON
 2 City Attorney
 3 JOHN WOODHEAD
 4 Asst. City Attorney
 5 Room 22 City Hall
 6 Riverside, California
 7 Telephone 686-7575
 8 Attorneys for Plaintiff

FILED
 RIVERSIDE COUNTY
 JUN - 9 1965
 INDEXED

DONALD D. SULLIVAN, Clerk
 By W. A. Stratton Deputy

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

CITY OF RIVERSIDE, a municipal)
 corporation,)

Plaintiff,)

No. 70785

-vs-

THE GAGE CANAL COMPANY, a)
 corporation, et al.)

Defendants.)

JUDGMENT IN EMINENT
 DOMAIN AND FINAL ORDER
 OF CONDEMNATION.

Pursuant to Stipulation for Judgment in Eminent Domain
 and Final Order of Condemnation of the Plaintiff, City of River-
 side, and the Defendant, The Gage Canal Company, which is hereby
 approved, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. There is hereby condemned to the Plaintiff, City
 of Riverside, as against the Defendant, The Gage Canal Company,
 for the purpose of producing, diverting, conducting, storing,
 supplying and distributing water to and for the use of the
 Plaintiff, its lands and inhabitants, and for the present and
 future development and control of such use, the herein
 described property, including fee title thereto where owned by
 the Defendant, The Gage Canal Company, and all lesser interests
 and estates of said Defendant therein, subject to all of the
 obligations, duties and liabilities imposed by law.

EXHIBIT "A" ONLY RECORDED WITH THIS DOCUMENT

"PROPERTIES CONDEMNED TO THE CITY OF RIVERSIDE"

1 suffered by said Defendant.

2 5. The property which is hereby condemned to the use
3 of the Plaintiff, City of Riverside, consists of all overlying,
4 appropriative, prescriptive and riparian water rights of the
5 Defendant, The Gage Canal Company, to take, divert, produce,
6 extract, pump, receive, export, transport, appropriate and use
7 water, and all other water rights of said Defendant, whether
8 appurtenant or non-appurtenant to the lands and real property
9 interests herein described, of whatsoever kind or nature
10 in and to the surface, sub-surface, natural stream, underground
11 basin, percolating ground, artesian and spring, stream underflow,
12 underground stream, flood, drainage, percolating, artificial
13 water course, channel, and all other natural and artificial
14 water sources of the Santa Ana River watershed, including but
15 not limited to, the waters of the Santa Ana River and its
16 tributaries, Warm Creek, Bunker Hill Basin, Rialto-Colton Basin,
17 Riverside Basin, together with all rights to receive or produce
18 water pursuant to stock or share ownership, contract, judgment,
19 decree or compromise, including but not limited to ownership
20 of shares in East Riverside Water Company and contract rights
21 with the City of Riverside as successor in interest to the
22 Riverside Water Company.

23 Also all pipe lines, canals, conduits, ditches,
24 waste ways, siphons, tunnels, flumes, reservoirs, diversion
25 works, control structures and all appurtenances thereto, and
26 all other facilities of the Defendant, The Gage Canal Company,
27 used for transportation, distribution and storage of water,
28 together with all rights of way, easements, permits, licenses
29 or franchises therefor, whether appurtenant or non-appurtenant
30 to the lands and real property interests herein described,

31 Also all wells, casing, pumps, motors, engines,
32 meters, pipelines, valves, electrical equipment, power and

1 fuel lines, pump houses and appurtenances located on the
2 lands and real property condemned and used in connection with
3 the taking, pumping, extraction and diversion of water,
4 whether appurtenant or non-appurtenant to the lands and real
5 property interests hereinafter described.

6 Also all right, title and interest of the Defend-
7 ant, The Gage Canal Company, in and to the property interests
8 and rights set forth and described in Exhibit "A" which is
9 attached and incorporated in this Judgment in Eminent
10 Domain and Final Order of Condemnation, together with any and
11 all other property of the Defendant, The Gage Canal Company,
12 described or specified in the Stipulation for Judgment in
13 Eminent Domain and Final Order of Condemnation on file in
14 this case.

15 6. The Plaintiff, City of Riverside, is ordered to
16 comply with, abide by and to perform the duties, obligations
17 and burdens for the benefit of the persons and entities and
18 in accordance with and specified by the terms of the
19 Stipulation for Judgment in Eminent Domain and Final Order
20 of Condemnation. For the purpose of assisting in determining
21 or defining the nature and extent of the various water
22 delivery duties, obligations and burdens imposed on and
23 assumed by the Plaintiff, City of Riverside, IT IS ORDERED
24 AND ADJUDGED that the Service Area of The Gage Canal Company
25 is as shown, plotted and delineated in Exhibit "D" of the
26 Stipulation for Judgment in Eminent Domain and Final Order
27 of Condemnation.

28 IT IS ADJUDGED AND DECREED that from and after the
29 date of Judgment in Eminent Domain and Final Order of Condem-
30 nation the Defendant, The Gage Canal Company, has no juris-
31 diction or control over the Service Area.

32 7. A copy of this Judgment in Eminent Domain and

Final Order of Condemnation shall be filed in the office of the Recorder of Riverside County and in the office of the Recorder of San Bernardino County, and thereupon the interest of the Defendant, The Gage Canal Company, in the foregoing property shall vest in the Plaintiff, City of Riverside, for said uses and purposes.

DATED JUN - 9 1965

JOHN NEEDLETT

Judge of the Superior Court

The foregoing Judgment in Eminent Domain and Final Order of Condemnation is hereby approved as to form and as being in compliance with the Stipulation of the parties.

151 LELAND J. THOMPSON

LELAND J. THOMPSON, City Attorney of the
City of Riverside

REDWINE & SHERRILL

By 151 EARL REDWINE

Attorneys for Defendant, The Gage Canal
Company

ENTERED

JUN 9 1965

JUDGMENT BOOK 105 PG 495 5-

Xerox copy of stipulation on file in the
Clerk of the Superior Court
HHC 8-7-73

ORIGINAL

1 LELAND J. THOMPSON
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2 JOHN WOODHEAD
Asst. City Attorney
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4 Room 22 City Hall
Riverside, California
5 Telephone 686-7575
Attorneys for Plaintiff
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7

FILED
RIVERSIDE COUNTY

JUN - 9 1965

DONALD B. SULLIVAN, Clerk
By [Signature] Deputy

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 Plaintiff,)

No. 70785

13 -vs-)

14 THE GAGE CANAL COMPANY, a)
15 corporation, et al.)

16 Defendants.)
17

STIPULATION FOR JUDGMENT
IN EMINENT DOMAIN AND
FINAL ORDER OF CONDEMNATION.

18 IT IS HEREBY STIPULATED between the Plaintiff, City of
19 Riverside, and the Defendant, The Gage Canal Company, pursuant
20 to resolutions duly adopted by the parties hereto so authorizing,
21 that a judgment and final order of condemnation may be entered
22 and filed forthwith in the above entitled action whereby there
23 is condemned to the public use of the Plaintiff all of the prop-
24 erty of the Defendant described in and constituting Exhibit "A",
25 which is attached hereto and by this express reference made a
26 part of this stipulation. All property described as Exhibit "A",
27 including fee title where owned by the Defendant, The Gage Canal
28 Company, and all lesser interests and estates of the said
29 Defendant therein shall be taken for the public use and purposes
30 of producing, supplying, conducting, storing and distributing
31 water for the use of the Plaintiff, City of Riverside, its lands
32 and inhabitants, and for the present and future development and

1 control of such use subject to all liabilities, duties,
2 burdens and contractual obligations in accordance with and as
3 specified in Exhibit "B" attached hereto and made a part of
4 this stipulation and subject to the obligations, duties and
5 burdens of appurtenancy of the defendant to deliver and carry
6 water to shareholders, contractual obligees and other existing
7 beneficial users receiving water or exercising water carrying
8 or delivery entitlements in accordance with their respective
9 lawful rights whether or not specified in Exhibit "B", which
10 obligations, duties and burdens the Plaintiff, City of Riverside,
11 assumes.

12 IT IS FURTHER STIPULATED that the property described and
13 constituting Exhibit "C", which is attached hereto and by this
14 reference made a part of this stipulation, shall not be con-
15 demned to the Plaintiff's use and shall remain the property of
16 The Gage Canal Company as its interest may appear, although
17 included and described in the complaint on file herein; accord-
18 ingly, the City shall file a dismissal as to all properties
19 specified in Exhibit "C"; that the exclusion of the property
20 described in Exhibit "C" from the judgment and final order
21 of condemnation and the filing of the dismissal shall not
22 constitute an abandonment within the meaning of Section 1255a
23 of the Code of Civil Procedure of the State of California.

24 IT IS FURTHER STIPULATED that the uses to which the
25 property condemned to the use of the Plaintiff is to be
26 applied and on behalf of which the Plaintiff's right of eminent
27 domain has been exercised, are public uses and authorized by
28 law; that the taking of said property in condemnation by Plain-
29 tiff is necessary to such uses; that the proposed public
30 improvement as set forth in the complaint is planned and located
31 in the manner which will be most compatible with the greatest
32 public good, and the least private injury; and to the extent,

1 if any, that any property of the Defendant, The Gage Canal
2 Company, condemned herein is already appropriated to some
3 public use, that the public use to which it is to be applied
4 by Plaintiff is a more necessary public use; and that all
5 of the allegations of the first amended complaint consistent
6 with this Stipulation for Judgment in Eminent Domain and
7 Final Order of Condemnation are true.

8 IT IS FURTHER STIPULATED that the Service Area of The
9 Gage Canal Company, as that term may be utilized in any
10 agreements between the City of Riverside and The Gage Canal
11 Company or in any documents included in this stipulation or in
12 the Judgment and Final Order of Condemnation entered pursuant to
13 this stipulation, shall be as shown and described in Exhibit "D"
14 attached hereto and by this reference made a part of this
15 stipulation.

16 IT IS FURTHER STIPULATED that the Articles of Incor-
17 poration and By-Laws of the Defendant, The Gage Canal Company,
18 as they read and existed on the date of this stipulation are
19 as set forth in Exhibit "E" attached hereto and made a part
20 hereof.

21 IT IS FURTHER STIPULATED that the Plaintiff, City of
22 Riverside, and the Defendant, The Gage Canal Company, have
23 executed and are bound by that certain Agreement for Operation
24 of Gage Canal Facilities, an identical copy of which is attached
25 hereto as Exhibit "F" and made a part hereof, and both parties
26 are bound to perform.

27 IT IS FURTHER STIPULATED that the Plaintiff, City of
28 Riverside, in full consideration for the acquisition of the
29 properties shall pay to The Gage Canal Company the sum of
30 \$518,852.00 ,plus the sum of \$17,609.53 as attorney's
31 fees, the sum of \$10,815.33 as incidental expenses including
32 but not limited to appraisal costs, and the sum of \$100 as court

1 costs, being a total sum of \$547,276.86 which shall
2 constitute full payment to The Gage Canal Company.

3 IT IS FURTHER STIPULATED that Findings of Fact, Con-
4 clusions of Law and Notice of Entry of Judgment are waived.

5
6 DATED June 9, 1965
7

8 LELAND J. THOMPSON, City Attorney

9 JOHN WOODHEAD, Asst. City Attorney

10
11
12 By Leland J. Thompson

13 Attorneys for Plaintiff
14
15

16 REDWINE & SHERRILL

17
18
19 By [Signature]

20 Attorneys for Defendant, The
21 Gage Canal Company
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