

WILLIAM L. OWEN
City Attorney,
City of Roseville
316 Vernon Street
Roseville, Ca. 95678

Telephone: 783-9151, Ext. 272
Attorney for Plaintiff

FILED

DEC 20 1973

MAURINE L. DOBBS

Maurine L. Dobbs

SUMMONS ISSUED

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

CITY OF ROSEVILLE, a municipal corporation,

Plaintiff,

WILLIAM J. ZISK, LOIS E. ZISK,
WILLIAM W. ZISK, trustor; MARY A.
ZISK, trustor; TITLE INSURANCE
AND TRUST COMPANY, a corporation,
trustee; MARJORIE ARNETT, as trustee
under the Last Will and Testament of
Mabel M. Phillips, deceased, bene-
ficiary; DOE ONE to DOE TWENTY,
inclusive; ALL PERSONS UNKNOWN CLAIM-
ING ANY TITLE OR INTEREST IN OR TO
THE PROPERTY SOUGHT TO BE CONDEMNED
HEREIN,

Defendants.

NO. **41104**
COMPLAINT IN EMINENT
DOMAIN

Plaintiff CITY OF ROSEVILLE, for cause of action
alleges:

I

That plaintiff is now, and at all times herein mentioned
was, a municipal corporation of the State of California.

II

That defendant, TITLE INSURANCE AND TRUST COMPANY, a
corporation, is now, and at all times herein mentioned was, a
corporation duly organized, existing and doing business under

III

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That defendant TITLE INSURANCE AND TRUST COMPANY is Trustee under Deed of Trust recorded in Book 1138, page 368, of Official Records of Placer County.

IV

That plaintiff is informed and believes, and basing its allegations upon such information and belief, alleges that defendant MARJORIE ARNETT, as Trustee under the Last Will and Testament of Mabel M. Phillips, deceased, is beneficiary of the Deed of Trust recorded in Book 1138, page 368, of Official Records of Placer County.

V

That defendants DOE ONE to DOE TWENTY, inclusive, and ALL PERSONS UNKNOWN CLAIMING ANY TITLE OR INTEREST IN OR TO THE PROPERTY SOUGHT TO BE CONDEMNED HEREIN are sued and designated herein by fictitious names and capacities for the reason that their true names and capacities are unknown to this plaintiff, but that this plaintiff will, upon ascertaining their true names, substitute the same by proper amendment; that said defendants, and each of them, have or claim to have an interest in the real property described herein, but that the nature, character or extent of such interest is unknown to plaintiff.

VI

That the public interest and necessity require the acquisition by plaintiff herein of the fee simple title in and to the real property sought to be condemned herein for a public use; namely, for public park and bicycle path purposes and said public use and improvement are planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

VII

That the governing board of said plaintiff, at a regular

1 meeting thereof held on December 19, 1973, adopted a resolution
 2 by a four-fifths vote of all its members, finding and determining
 3 that the public interest and necessity require the acquisition by
 4 plaintiff herein of the property sought to be condemned herein
 5 for public park and bicycle path purposes, and authorizing and
 6 directing the City Attorney of the City of Roseville to institute
 7 and prosecute an action in eminent domain to condemn the fee
 8 simple title in and to said real property for the above named
 9 purpose, of the property hereinafter described.

VIII

10
 11 That there is attached hereto and marked Exhibit "B"
 12 a map showing the location of the real property to be condemned
 13 herein insofar as the same is involved in this proceeding.

IX

14
 15 That the real property hereinafter described constitutes
 16 part only of a larger parcel of real property.

17 That the real property sought to be condemned herein is
 18 located in the City of Roseville, County of Placer, State of
 19 California, and is more particularly described in Exhibit "A"
 20 attached hereto and by this reference made a part hereof, and
 21 that the names of all owners of and claimants to said property,
 22 or any part thereof or interest therein insofar as known to
 23 plaintiff, are set forth in this paragraph for the convenience of
 24 the Court and parties, and not as allegations to which plaintiff
 25 intends to be bound:

OWNERS AND CLAIMANTS

- 26 William J. Zisk
- 27 Lois E. Zisk
- 28 William W. Zisk
- 29 Title Insurance and Trust Company, Trustee
- 30 Marjorie Arnett, as Trustee under the Last
- 31 Will and Testament of Mabel M. Phillips, deceased,
- 32 beneficiary.

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WHEREFORE, PLAINTIFF PRAYS:

1. That defendants, and each of them, be required by answer to set forth the nature, character, extent and value of their several estates or interests in the real property sought to be condemned in this action, and the severance damage, if any, accruing by reason of the taking of said real property and the construction of the improvement in the manner proposed by plaintiff.

2. That such several estates and interests may be determined and adjudicated in this action; that the value of the real property sought to be condemned herein and the severance damages, if any, accruing from the taking thereof and the construction of said public improvement in the manner proposed by plaintiff be separately ascertained and adjudicated.

3. That upon payment to the defendants entitled to compensation or damages, or into court for their benefit, of the several amounts so ascertained, the court make and enter a final order of condemnation conveying to plaintiff the fee simple title in and to said real property for the public use above set forth, and for such other and further relief as the court may deem proper.

DATED: December 20, 1973


WILLIAM L. OWEN, City Attorney
Attorney for Plaintiff

All that portion of the southwest one-quarter of Section 35, Township 11 North, Range 6 East, M.D.M., described as follows:

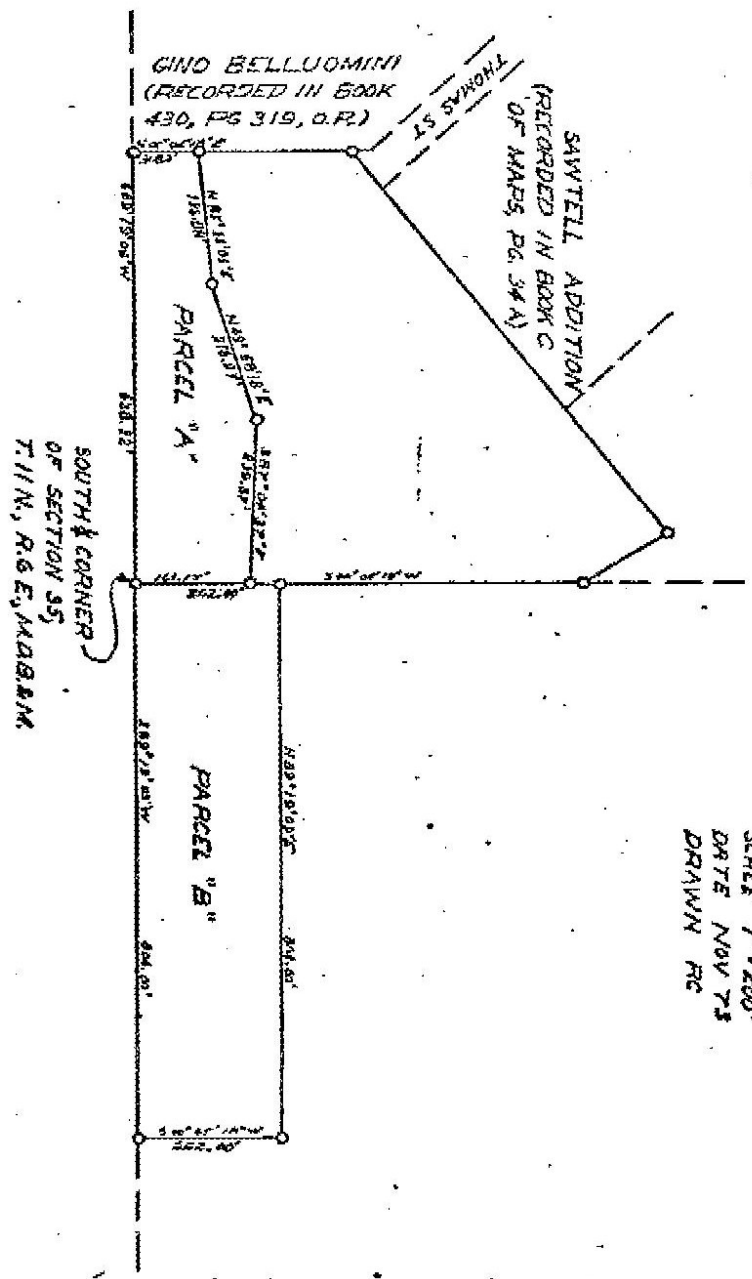
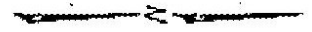
Parcel "A"

Beginning at the south one-quarter corner of said Section 35; thence from said point of beginning along the south line of said Section 35, South 89°19'09" West 638.32 feet to the most southerly corner of that certain parcel of land described in the Deed recorded in Book 430, Page 319 Official Records, executed by Gino Belluomini, et al to Gino Belluomini, et ux; thence along the easterly boundary of said Belluomini parcel of land North 00°05'18" East 91.89 feet; thence North 85°36'05" East 196.88 feet; thence North 69°58'18" East 216.07 feet; thence South 87°04'37" East 239.87 feet to a point located on the east line of the Southwest One-Quarter of said Section 35; thence along said east line South 00°05'18" West 161.17 feet to the point of beginning.

Parcel "B"

Beginning at the southwesterly corner of the southeast quarter of Section 35, Township 11 North, Range 6 East, M.D.M., and running thence Northerly along the Westerly line of the Southeasterly quarter of Section 35 a distance of 202.00 feet to a point; thence Easterly and parallel to the Southerly line of Section 35, a distance of 804.00 feet to a point; thence Southerly and parallel to the Westerly line of the Southeasterly quarter of Section 35 a distance of 202.00 feet to a point on the Southerly line of Section 35, thence Westerly along the Southerly line of Section 35 a distance of 804.00 feet to the point of beginning.

EXHIBIT "A"



PROPERTY TO BE ACQUIRED
 FROM WILLIAM J. AND
 LOIS E. ZISK

SCALE 1"=200'
 DATE NOV '73
 DRAWN RC

EXHIBIT "B"

