

FILED
MAR 21 1978

MAURINE I. BOBBAS
COUNTY CLERK OF PLACER COUNTY
M. I. Bobbas
CLERK

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 8 Attorneys for Plaintiff

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

12 CITY OF ROSEVILLE, a municipal)
 13 corporation,)
 14 Plaintiff,)
 15 v.)
 16 WILLIAM J. ZISK and LOIS E.)
 ZISK, et al.,)
 17 Defendants.)

NO. 41104

MICROFILMED

JUDGMENT IN
CONDEMNATION

19 Upon the Findings of Fact and Conclusions of Law on file
20 herein, and GOOD CAUSE APPEARING THEREFOR:

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the just
 22 compensation to be paid for the taking of Parcels A and B as
 23 described in plaintiff's Amendment to Complaint herein is the
 24 amount of \$96,381.00, which is the amount assessed by the verdict
 25 herein, together with interest thereon at the rate of seven percent
 26 (7%) per annum from the date of entry of judgment herein to the

1 date of payment of said total sum into Court.

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
3 payment of said total sum into Court for the benefit of defendants
4 WILLIAM J. ZISK, LOIS E. ZISK and COUNTY OF PLACER, as their
5 interests may be determined, said Parcels A and B shall be
6 condemned to plaintiff and as against defendants WILLIAM J. ZISK,
7 LOIS E. ZISK, COUNTY OF PLACER, TITLE INSURANCE AND TRUST COMPANY,
8 a corporation, Trustee and MARJORIE ARNETT, as Trustee under the
9 Last Will and Testament of MABEL M. PHILLIPS, deceased, beneficiary,
10 for public park and bicycle path purposes, in fee simple absolute,
11 and all interests of said defendants in and to said Parcels A and
12 B shall be terminated.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
14 purpose for which said Parcels A and B is sought to be condemned
15 is a public use authorized by law and that the taking of said
16 Parcels A and B is necessary for such public use.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
18 payment of said total sum into Court, the Cross-Complaint of cross-
19 complainants WILLIAM J. ZISK and LOIS E. ZISK on file herein shall
20 be forthwith dismissed with prejudice and said cross-complainants
21 shall take nothing by said Cross-Complaint.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant
23 to comprehensive zoning regulations adopted by plaintiff, the
24 property which is the subject of this action is zoned R-1 (single
25 family residential use) and substantial portions of that property
26 are also zoned by the combining zones as FW (Floodway) and FF

1 (Floodway Fringe) as depicted on the Official Flood Plain Map of
2 plaintiff; the application of those zoning designations to that
3 property is fully supported by reasonable bases in fact; and those
4 comprehensive zoning regulations as adopted and applied to said
5 property are reasonable and proper regulations of land use and
6 constitute a valid and permissible exercise of the police power by
7 plaintiff.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that inasmuch as
9 plaintiff has at no time acted improperly by any action or conduct
10 of plaintiff or its agents with respect to any proposed development
11 of the property which is the subject of this action; there has
12 not been an unreasonable delay in commencing an eminent domain
13 action following an announcement of an intent to acquire portions
14 of the property which is the subject of this action, nor has there
15 been any other improper conduct or activities of plaintiff prior
16 to or subsequent to the commencing of this eminent domain action;
17 there has not at any time been any improper, unreasonable, oppressive
18 or malicious conduct or motivation by plaintiff toward defendants
19 WILLIAM J. ZISK or LOIS E. ZISK, toward the property which is the
20 subject of this action, or otherwise; the actions and conduct of
21 plaintiff have not constituted an invasion of the property which is
22 the subject of this action, were not in any way designed to decrease
23 any condemnation award, and no such actions or conduct have caused
24 any depreciation in value to or loss of use, rent, revenue, profits
25 or returns from said property; defendants herein are not entitled
26 to recover any compensation in addition to the fair market value of

1 Parcels A and B and the severance damages accruing to the portion
 2 of the subject property not sought to be condemned herein.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants
 4 TITLE INSURANCE AND TRUST COMPANY, a corporation, Trustee, and
 5 MARJORIE ARNETT, as Trustee under the Last Will and Testament of
 6 MABEL M. PHILLIPS, deceased, beneficiary, are not entitled to any
 7 compensation herein or further compensation.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that out of
 9 the award to be made herein, there shall be paid to the County of
 10 Placer all real property taxes, costs, penalties and assessments
 11 which may be due and owing or accruing against said Parcels A and
 12 B until the recordation of the Final Order of Condemnation herein
 13 and that all taxes, costs, penalties and assessments which are a
 14 lien on the said Parcels A and B and which are apportioned to that
 15 portion of the fiscal year after the date that the Final Order of
 16 Condemnation is recorded in the Office of the County Recorder of
 17 the County of Placer are hereby cancelled pursuant to Section 4986
 18 of the Revenue and Taxation Code.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants
 20 WILLIAM J. ZISK, LOIS E. ZISK and the COUNTY OF PLACER, have and
 21 do recover of and from plaintiff their costs of suit incurred
 22 herein, if any.

23 DATED: MAR 21 1978

24
 25 
 26 JUDGE OF THE SUPERIOR COURT

OF OF SERVICE BY MAIL - 1015a, 2015.9 C 13

I am a citizen of the United States and a resident of the county of San Mateo I am

939

over the age of eighteen years and not a party to the within above entitled action; my ^{business} address is:

1650 S. Amphlett Blvd., Suite 225, San Mateo, CA 94402

On December 28, 1977 I served the within JUDGMENT IN

CONDEMNATION

on the Defendants in said action, by placing a true copy thereof enclosed in a sealed envelope

with postage thereon fully prepaid, in the United States post office mail box at San Mateo, CA addressed as follows:

Desmond, Miller, Desmond & Bartholomew
1006 - 4th Street, 9th Floor
Sacramento, CA 95814

I, Donna Lama, certify (or declare), under penalty of perjury, that the foregoing is true and correct.
(name must be typed or printed)

Executed on December 28, 1977 at San Mateo, California
(date) (place)

Donna Lama
Signature

* proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

NAME, ADDRESS, AND TELEPHONE NUMBER
OF ATTORNEY(S)

ATTORNEY(S) FOR

FILED 940
MAR 21 1978

MAURINE I. DOBBAS
COUNTY CLERK OF PLACER COUNTY
BY *P. O. Quinn*
DEPUTY

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

CITY OF ROSEVILLE, a municipal
corporation,

PLAINTIFF(S)

vs

WILLIAM J. ZISK and LOIS E. ZISK,
et al.,

DEFENDANT(S)

CASE NUMBER

41104

NOTICE OF ENTRY OF JUDGMENT

To the above named parties and to their attorneys of record:

MICROFILMED

You are hereby notified that judgment in the above entitled matter was entered on
March 21, 1978, in Book 35 at Page 177.

MAURINE I. DOBBAS, County Clerk and Clerk
of the Superior Court of the State of California
for the County of Placer.

By *P. O. Quinn* Deputy.

CERTIFICATE OF MAILING

I, MAURINE I. DOBBAS, County Clerk and Clerk of the Superior Court of the State of California
for the County of Placer, and not a party to the within action, hereby certify: that on
March 21, 1978 . . . I served notice of entry of judgment on the parties
in the within action, by depositing true copies thereof, inclosed in sealed envelopes with
postage thereon fully prepaid in the United States Post Office mail box at Auburn,
California addressed as follows:

Dennis W. DeQuir
City Attorney
316 Vernon Street
Roseville, CA 95678

Turner & Mulcare
A Professional Corporation
1650 So. Amphlett Blvd., Ste. 225
San Mateo, CA 94402

Desmond, Miller, Desmond & Bartholomew
1806 Fourth Street, Suite 900
Sacramento, CA 95814

Turner & Sullivan
520 Capitol Mall, Suite 700
Sacramento, CA 95814

Dated March 21, 1978

MAURINE I. DOBBAS, County Clerk and Clerk
of the Superior Court of the State of California
for the County of Placer.

By *P. O. Quinn* Deputy.