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Attorneys for Plaintiff MENDOCINO RAILWAY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MENDOCINO

MENDOCINO RAILWAY,

Plaintiff.

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JOHN MEYER; REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY; SHEPPARD INVESTMENTS; MARYELLEN SHEPPARD; MENDOCINO COUNTY TREASURER-TAX COLLECTOR; All other persons unknown claiming an interest in the property; and DOES 1 through 100, inclusive,

Defendants.

SCUK- CVED 20-74939 Case No.

[APN 038-180-53]

COMPLAINT IN EMINENT DOMAIN

Plaintiff MENDOCINO RAILWAY alleges that:

Plaintiff MENDOCINO RAILWAY is now, and at all relevant times 1. hereinafter stated was, a California railroad corporation organized and existing under the laws of the State of California and is authorized by law to exercise the power of eminent domain to acquire private property for public use pursuant to California Constitution, Article I, § 19; California Public Utilities Code §§ 229, 230, 611 and 7526(g); and California Code of Civil Procedure §§ Section 1230.010, et seq..

COMPLAINT IN EMINENT DOMAIN

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2. The project ("Project") for which Plaintiff seeks to acquire the below described property consists of construction and maintenance of rail facilities related to Plaintiff's ongoing and future freight and passenger rail operations and all uses necessary and convenient thereto.

3. The property sought to be condemned herein ("Subject Property") for the Project consists of the unencumbered fee simple interest in and to the real property commonly known as 1401 West Highway 20, Willits, County of Mendocino, State of California, which property has been assigned Assessor's Parcel Number 038-180-53, and is more particularly described as follows:

That portion of the lands described in the Quitclaim deed to Mike C. Thornburg recorded April 15, 1996 in Book 2324 of Official Records, Page 197 lying within the north half of the northeast quarter of Section 23 and the south half of the southeast quarter of Section 14, Township 18 North, Range 14 West, Mount Diablo Meridian that lies northeasterly of the California Western Railroad.

The above description is pursuant to Mendocino County Boundary Line Adjustment #B 61-2008.

- 4. Plaintiff is informed and believes that the Subject Property is an approximately 20 acre undeveloped rural residential/agricultural parcel.
- 5. A map showing the location of the Subject Property in relation to Plaintiff's rail facilities and the Project is attached hereto and incorporated by this reference as **Exhibit "A."**
- 6. The public interest and necessity require the Subject Property for Plaintiff's ongoing and future freight and passenger rail operations and all uses necessary and convenient thereto.

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- 7. Plaintiff considered and evaluated potential alternatives for the Project and determined the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- 8. The Subject Property is necessary for the Project for Plaintiff's ongoing and future freight and passenger rail operations and all uses necessary and convenient thereto.
- 9. Defendants are all persons and entities known and unknown to Plaintiff who Plaintiff is informed and believes claim an interest in the real property sought to be condemned in this complaint, and over whom Plaintiff is informed and believes this court has jurisdiction.
- 10. The names of owners and claimants known or believed by Plaintiff to have or potentially have an interest in the Subject Property and a statement of the claimed interest of each are set forth below solely for the convenience of the Court and parties, and not as allegations to which Plaintiff intends to be bound.

NAME INTEREST JOHN MEYER Record Owner MENDOCINO COUNTY TREASURER-Possible Lienholder TAX COLLECTOR REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY Possible Trustee 21 SHEPPARD INVESTMENTS Possible Beneficiary/Lender 22 Possible Beneficiary MARYELLEN SHEPPARD

11. Defendants All Other Persons Unknown Claiming an Interest in the Property and defendants named as DOES 1 to 100, inclusive, have, or claim to have, an interest in the Subject Property, the exact nature of which is unknown to Plaintiff. The true names or capacities, whether individual, corporate, associate, or otherwise, of defendants named as DOES 1 to 100, are unknown to Plaintiff,

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who therefore sues these defendants by such fictitious names. Plaintiff will ask leave to amend this Complaint to show the true names and capacities and state of incorporation of DOES 1 to 100 when the DOES are ascertained.

12. To the extent the Subject Property is already devoted to a public use, Plaintiff alleges in the alternative that: (a) the use for which Plaintiff is acquiring interests in the Subject Property is a compatible use under California Code of Civil Procedure Section 1240.510; and/or (b) Plaintiff's use of the Property is a more necessary public use under California Code of Civil Procedure Section 1240.610.

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That Defendants, and each of them, be required to set forth in answer to this complaint the nature and extent of the interests claimed by each of them in the Subject Property sought to be condemned in this action;
- 2. That such interests of the Defendants be determined and adjudicated in this action and that just compensation be ascertained and for each of them be separately ascertained and adjudicated;
- 3. That, upon payment to the Defendants entitled to just compensation, or into court for their benefit, of the amount of just compensation so ascertained, the court make and enter a final order of condemnation conveying the unencumbered fee simple interest in the Subject Property described herein to Plaintiff for the public use; and,
- 4. For such other and further relief as the court may deem just and proper.

Dated: December 21, 2020

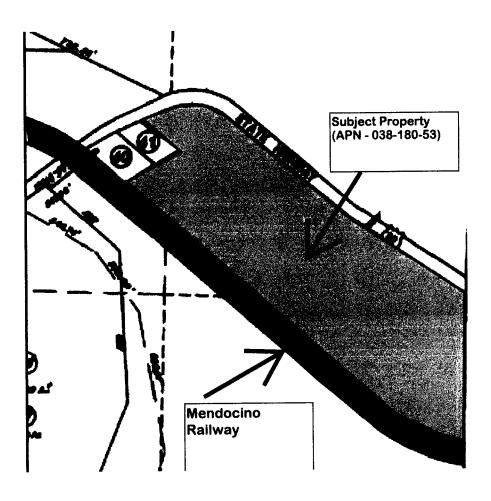
CALIFORNIA EMINENT DOMAIN LAW GROUP, a Professional Corporation

Glenn L. Block

Attorneys for Plaintiff MENDOCINO RAILWAY

COMPLAINT IN EMINENT DOMAIN

Exhibit A



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