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CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA



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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF MENDOCINO**

11 MENDOCINO RAILWAY,
12 Plaintiff,
13 v.

14 JOHN MEYER; REDWOOD EMPIRE TITLE
15 COMPANY OF MENDOCINO COUNTY;
16 SHEPPARD INVESTMENTS; MARYELLEN
17 SHEPPARD; MENDOCINO COUNTY
18 TREASURER-TAX COLLECTOR; All other
19 persons unknown claiming an interest
20 in the property; and DOES 1 through
21 100, inclusive,
22 Defendants.

23 **SCUK- CVED 20-74939**
24 Case No.

25 [APN 038-180-53]

26 **COMPLAINT IN EMINENT DOMAIN**

27 Plaintiff MENDOCINO RAILWAY alleges that:

28 1. Plaintiff MENDOCINO RAILWAY is now, and at all relevant times
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..

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

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

10
11 That portion of the lands described in the Quitclaim deed to
12 Mike C. Thornburg recorded April 15, 1996 in Book 2324 of
13 Official Records, Page 197 lying within the north half of the
14 northeast quarter of Section 23 and the south half of the
15 southeast quarter of Section 14, Township 18 North, Range 14
16 West, Mount Diablo Meridian that lies northeasterly of the
17 California Western Railroad.

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

20
21 4. Plaintiff is informed and believes that the Subject Property is an
22 approximately 20 acre undeveloped rural residential/agricultural parcel.

23 5. A map showing the location of the Subject Property in relation to
24 Plaintiff's rail facilities and the Project is attached hereto and incorporated by this
25 reference as **Exhibit "A."**

26 6. The public interest and necessity require the Subject Property for
27 Plaintiff's ongoing and future freight and passenger rail operations and all uses
28 necessary and convenient thereto.

1 7. Plaintiff considered and evaluated potential alternatives for the
2 Project and determined the Project is planned or located in the manner that will
3 be most compatible with the greatest public good and the least private injury.

4 8. The Subject Property is necessary for the Project for Plaintiff's ongoing
5 and future freight and passenger rail operations and all uses necessary and
6 convenient thereto.

7 9. Defendants are all persons and entities known and unknown to
8 Plaintiff who Plaintiff is informed and believes claim an interest in the real property
9 sought to be condemned in this complaint, and over whom Plaintiff is informed
10 and believes this court has jurisdiction.

11 10. The names of owners and claimants known or believed by Plaintiff to
12 have or potentially have an interest in the Subject Property and a statement of
13 the claimed interest of each are set forth below solely for the convenience of the
14 Court and parties, and not as allegations to which Plaintiff intends to be bound.

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

23
24 11. Defendants All Other Persons Unknown Claiming an Interest in the
25 Property and defendants named as DOES 1 to 100, inclusive, have, or claim to
26 have, an interest in the Subject Property, the exact nature of which is unknown to
27 Plaintiff. The true names or capacities, whether individual, corporate, associate,
28 or otherwise, of defendants named as DOES 1 to 100, are unknown to Plaintiff,

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

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

9
10 WHEREFORE, Plaintiff prays for judgment as follows:

11 1. That Defendants, and each of them, be required to set forth in
12 answer to this complaint the nature and extent of the interests claimed by each
13 of them in the Subject Property sought to be condemned in this action;

14 2. That such interests of the Defendants be determined and
15 adjudicated in this action and that just compensation be ascertained and for
16 each of them be separately ascertained and adjudicated;

17 3. That, upon payment to the Defendants entitled to just
18 compensation, or into court for their benefit, of the amount of just compensation
19 so ascertained, the court make and enter a final order of condemnation
20 conveying the unencumbered fee simple interest in the Subject Property
21 described herein to Plaintiff for the public use; and,

22 4. For such other and further relief as the court may deem just and
23 proper.

24
25 Dated: December 21, 2020

CALIFORNIA EMINENT DOMAIN LAW GROUP,
a Professional Corporation

26
27 By  _____
28 Glenn L. Block
Attorneys for Plaintiff MENDOCINO RAILWAY

Exhibit A

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