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Saturday September 3, 2005

Conaway feud prompts bills on eminent domain

By Sharon Stello/Enterprise staff writer

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Legislators and a group of local farmers and taxpayers are trying to reform eminent domain laws in response to Yolo County's attempts to acquire the Conaway Ranch from unwilling sellers.

State Sen. Tom McClintock, R-Thousand Oaks, and Assemblyman Doug La Malfa, R-Biggs, have co-authored legislation that would amend the state Constitution to further restrict the government taking of private land.

If the legislation fails - it's already hitting roadblocks in committee - they plan to send the matter to the voters as an initiative on the June 2006 ballot.

They are supported by the California Alliance to Protect Property Rights, a new group formed by Yolo County taxpayers and farmers opposed to the county's decision to use eminent domain to take the 17,300-acre Conaway Ranch between Davis and Woodland. County officials have argued that they must acquire the property to maintain farming operations and protect the vast water resources there.

At a news conference Thursday afternoon on the ranch, McClintock said the fundamental right for residents to be secure in their homes and businesses has been placed in "imminent peril."

"If they can seize this property, they can seize yours or mine as well. This is between right and wrong. It is between this corrupt alliance and all of California," McClintock said, referring to Yolo County's partnership with the Rumsey Band of Wintun Indians, which owns the Cache Creek Casino Resort. The tribe has offered financial support - as much as \$50 million to \$60 million - to help buy the land.

La Malfa, a fourth-generation rice farmer who represents the northern half of Yolo County, said private land ownership is a "paramount right" and that eminent domain is an "elitist and dangerous enterprise" that "allows the government all too frequently to take private property with little or no legitimate 'public use' justification."

"We must not allow this abuse to happen here," La Malfa said, adding that the ranch's current owners, the Conaway Preservation Group, have shown "excellent stewardship" in managing the land and there's no reason for the county to take over.

The county Board of Supervisors voted to invoke eminent domain a year ago and had been prepared to go to court this month with the ranch owners in a bitter dispute over private property rights and water rights. Last month, the property owners and Yolo County announced that they have entered into discussions to determine if the matter can be resolved out of court.

Dudley Holman, president of the Yolo County Taxpayers Association, former Woodland mayor and a founding director of the California Alliance to Protect Property Rights, expressed his concerns about the matter.

Holman said he's troubled by the county's failure to explain how it will manage and pay to maintain Conaway Ranch. He also questioned whether it is appropriate for the county to accept financial support from the Rumsey Band of Wintun Indians, especially so soon after the county approved the tribe's plans to build a golf course on land that was under ag protection.

Marc Breckenridge, a Yolo County farmer and another founding director of the alliance, said "usually government only uses eminent domain as a last resort" and then only to build roads, airports or other public infrastructure.

"Times have changed," he said.



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Senate Constitutional Amendment 15, authored by McClintock, and Assembly Constitutional Amendment 22, authored by La Malfa, would require that private property be taken or damaged only for a stated public use and that the property be owned and occupied by the taker and used only for the stated public use.

If the property ceases to be needed for that use, these measures would give the former owner, heir or beneficiary designated by the owner the right to reacquire the property for its fair market value before the property may be otherwise sold or transferred.

However, SCA 15 was defeated along party lines in the Judiciary Committee this week and the similar ACA 22 has not yet be granted a committee hearing.

- Reach Sharon Stello at stello@davisenterprise.net or 747-8043.

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