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Land removed from Yolo bid to seize ranch

Judge agrees to separate 1,100 acres from eminent domain plan, but door to appeal open.

By Pamela Martineau -- Bee Staff Writer

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In a move that could delay and drive up the cost of Yolo County's effort to seize Conaway Ranch, a judge on Wednesday agreed to remove more than 1,100 acres from the plan.

Yolo Superior Court Judge Timothy Fall granted a motion filed by the ranch owners to remove the land from the county's effort to take the 17,244-acre water-rich ranch by eminent domain.

The 1,127 acres - six parcels in the lower southeast portion of the ranch in and near the Yolo Bypass - had been inadvertently left out of the legal description of the ranch when the issue went to trial in November.

The ranch owners - known as the Conaway Preservation Group - filed a motion asking to formally remove the parcels from the county's taking of the land, since it had not been included in the county's legal motion.

Fall granted the request, but stayed the order until 5 p.m. Feb. 24, to allow the county to appeal.

"We think the judge was just wrong," said Stuart Somach, an attorney representing Yolo County. Somach added that the county would likely appeal the decision.

"At the worst, it would require us to move forward procedurally with a separate condemnation," Somach added.

Gary Livaich, attorney for the Conaway Preservation Group, said the ruling could delay the eminent domain action and drive up the cost of the ranch - whether the county includes the 1,127 acres in the taking or not.

"It complicates it for everybody," said Livaich, who said the county may have to pay the landowners severance damages for the smaller parcel if it is determined that the land's value went down because it was broken off from the larger parcel.

Somach said the 1,127 disputed acres were included in maps of the ranch that were submitted to the court, but the parcel numbers were left out of the legal filings in an error by a title company.

Fall ruled in November that the county could use its power of eminent domain to force the ranch landowners to sell to the county. County leaders say they want to preserve the property for habitat conservation. The condemnation has been the subject of intense controversy in Yolo.

A trial is scheduled June 13 to determine the value of the land. The Conaway Preservation Group bought the property in 2004 for \$60 million from National Gas and Energy Transmission, a successor to PG&E Properties.

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