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LAND DISPUTE

Farmers may be owed millions



San Bernardino County took dairy land without paying for it, their lawsuit says

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San Bernardino County could pay \$48 million for the property of one of the few remaining Chino dairy farmers after the family

complained in a lawsuit that most of their spread, located under a landing pattern for Chino Airport, had been turned into a no-build zone without compensation.

The lawsuit, which went into private arbitration, claimed that the county had, bit by bit over 25 years, turned most of the 58 acres of dairy land owned since the 1960s by Jim and Annie Nyenhuis into a runway protection zone.

Planes, including private jets, fly low over the fam-

ily's ranch-style home and property on Remington Avenue as they come in for a landing at the airport, just west of the dairy.

The runway protection designation precluded most of the acreage from development, even as property all around the Nyenhuis' farm turned into commercial and housing developments, the lawsuit said.

The \$48 million includes the value of the 58 acres, legal costs and relocation money for Jim and Annie

Nyenhuis, said their attorney, John C. Murphy.

The award is not final, county spokesman David Wert said Thursday.

"I respectfully submit, it's over," said Murphy.

A stipulation in the case said the parties need to participate in a final order of condemnation. Under terms of the agreement, the judgment cannot be appealed.

Murphy said in an interview that the county agreed to arbitration as evidence mounted that a development plan for the airport was referred to as a "draft" plan only to avoid admission of language that the county should buy the Nyenhuis property.

"The suit in question wasn't filed until 2015. The only reason it took time to settle the case was that the two sides had vastly different opinions on the value of the land," Wert said.

"We didn't want to bug them," Annie Nyenhuis said of the county in an interview Thursday. "We were happy here."

The couple - Jim is 87 and Annie is 81 - raised eight children at their home, which faces north and now looks across the street at a commercial building development where other dairy properties once stood.

More development is on the way.

"We've always been happy, but now we're getting closed in," Annie Nyenhuis said. "Today, you need a bigger dairy to operate, and there is no more land."

"It's time for us to move," she said. "We have been here, longer than

some people."

The couple are post-war immigrants from Holland who worked their way through the Southern California dairy industry, eventually settling in Chino and developing their property in the 1960s.

A stipulation filed in August followed a February 2016 denial of a county motion for a summary judgment and the beginning in April of a deposition of San Bernardino County Airport Director James Jenkins.

The stipulation said the parties had engaged in settlement discussions, and that the Nyenhuis family agreed that the county could acquire the property for public use.

The county agreed to compensate the family for the taking of the property under California's eminent domain law.

In the arbitration, heard by retired San Bernardino County Superior Court Judge John W. Kennedy, an independent appraiser was assigned to value the Nyenhuis land, which came to \$47.3 million, Murphy said.

In addition, a mediator also said the county should pay \$480,780 for legal fees and relocation expenses of up to \$200,000.

There may be something for the county in the agreement: There are 20 acres on the east side of the property that are outside the no-build zoning and viable for development.

The stipulation says the Nyenhuis family will agree to convey some portion of the property, as identified by the county, directly to a third party.