

Dallas Morning News, The (TX)

July 28, 2005

Owners sue over land sought for stadium **Arlington: City says it's confident it will prevail in eminent domain case** *JEFF MOSIER Staff Writer*

ARLINGTON - A dozen property owners have filed lawsuits to prevent Arlington from condemning their land for a Dallas Cowboys stadium.

The lawsuits were filed Tuesday with the Tarrant County district clerk's office. All the property owners are represented by Glenn **Sodd**, a well-known eminent domain attorney who has previously fought Arlington and Hurst over condemnations.

The lawsuits contend that the Texas Constitution does not specifically allow cities to condemn land for economic development purposes.

"We're expecting to either get a price these people are willing to sell their property for or stop it from happening," Mr. **Sodd** said.

According to the lawsuit, the stadium project would solely benefit the Cowboys and provide little or no public benefits.

Jay Doegey, Arlington's city attorney, said the argument that the stadium will not benefit the public won't fly in the courts.

"That's nonsense," he said. "The purpose of building this project is to attract hundreds of thousands of people to use the very facility he's saying only one party is going to benefit from."

Mr. Doegey said that Mr. **Sodd** made a similar argument on behalf of a client whose land was taken for a parking lot for Ameritrust Field, and the judge ruled in favor of the city. Mr. **Sodd** said he's confident he would win if the case reaches the state Supreme Court.

The funding of the \$650 million, retractable-roof stadium is split between the Cowboys and the city of Arlington. Voters approved up to \$325 million in sales, hotel and car rental tax increases in November to pay for the city's portion of the debt.

The stadium is scheduled to open in 2009.

The city is threatening to condemn dozens of properties at the stadium site if the owners do not sell. The first hearings on some of those cases are scheduled for Aug. 9.

The issue of eminent domain has also become a hot political topic nationwide. A U.S. Supreme Court ruling in *Kelo vs. New London*, which concluded that governments could take property for economic development purposes, has spurred action in state legislatures.

About half the states, including Texas, have legislative bills proposed or pending to restrict the use of eminent domain. The Supreme Court ruling said that states were free to place additional restrictions on

government condemnation powers. Any change in Texas law would probably come too late to affect the Cowboys' stadium.

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