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### Vote to condemn property due today

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*Star-Telegram Staff Writer*

Some property owners with land in the path of the Dallas Cowboys stadium are hiring attorneys and making plans to fight the city for more money.

The council plans to vote today to begin condemnation of 26 more properties in east Arlington. Owners have had at least 30 days to review the city's offers.

Mayor Pro Tem Ron Wright said the resolution is the first step in buying out people who won't sell. He said that the city doesn't want to condemn but that it may be necessary.

"It's not condemnation, nor is that the intent, but it allows us to condemn," he said. "But people need to understand we're going to turn dirt next spring."

People who lose their homes through condemnation will also forfeit the \$22,500 in incentive money that the city is offering those who sell willingly. But those who reject the city's offer say they hope for a better deal in court.

If the city seeks to take land through eminent domain, a judge will appoint a three-person panel to review the offer and make sure it is fair. The panel can uphold, increase or reduce the city's offer.

Billy Ray King bought a 16,200-square-foot plot on Oakdale Avenue more than 30 years ago. He said he refused the city's offer on his investment property last month because it was "anything but fair."

"What they've offered me wouldn't cover the taxes I've paid on the property over the years," said King, who wouldn't reveal the offer. He said he has hired an attorney to negotiate a better deal.

Last week, the council began the first round of condemnation proceedings for more than 45 properties in the area. Several owners have hired attorneys and have been instructed not to comment.

The city needs to acquire 75 acres with homes, apartment complexes and duplexes valued at more than \$21.7 million, according to the Tarrant Appraisal District.

Glenn **Sodd** was some property owners' attorney when the city bought land for the Texas Rangers' field and is attorney for some property owners affected by the Cowboys stadium plan.

He said that Arlington is violating the Texas Constitution and that taking land for a football stadium is not a public benefit. He said taking land for a highway, school or fire station would be legal.

He said that the city will hold the title to the stadium to keep the Cowboys from paying property taxes on it but that all the money the stadium makes will go to the Cowboys.

"The fact that it's been in the city's name is a sham," he said.

He also said the city can save money by condemning the homes and forcing residents out rather than making the homeowners fair offers.

"This makes you feel like a substandard citizen because they're not doing it in rich neighborhoods," he said. "These people feel they're being put upon because they're not wealthy or politically powerful."

**Sodd** said the recent U.S. Supreme Court ruling that expanded governments' ability to exercise eminent domain does not apply to this case.

But City Attorney Jay Doegey said that Arlington "certainly does" have the right to take property for the stadium and that it is legal under the U.S. and Texas constitutions.

Doegey said if **Sodd** uses his arguments, "he'll lose."

"He used those same arguments in the ballpark [Ameriquet Field] cases and lost on summary judgment on the right-to-take issue," Doegey said.

Wright said the city has negotiated with some property owners. Some residents have gotten their own appraisals, and the city has made additional offers based on those, he said.

Once the council initiates condemnation proceedings, property owners will receive a final offer within a few days. If they still refuse, the matter will go to court.

Doegey said condemnation papers will be filed on some of the holdout owners in the next couple of weeks.

Wright said: "They can try to delay this all they want, but the people have already spoken, and we owe it to the taxpayers to move forward with this project because the more you delay, the more it costs.

"We're going to do everything in our power to avoid condemnation, but if we have to go there, we'll go there."

#### IN THE KNOW

If you go

The Arlington City Council plans to meet today at 2:30 p.m. for a work session and at 6:30 p.m. for the regular meeting at City Hall, 101 W. Abram St.

Telecast: City 5 on the Arlington Comcast cable system.

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