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Ballpark land deal reached **Lawsuit settlement renews debate with Rangers** *Rani Cher Monson Staff Writer of the Arlington Morning News*

The city and the Texas Rangers still are at odds over which entity should pay a \$12.4 million settlement to landowners involved in a controversial condemnation case.

The Arlington Sports Facilities Development Authority claims the Rangers are required to repay the \$12.4 million spent on land settlements, while the baseball team insists it already has paid for the settlements and shouldn't have to pay twice.

The property owners are being paid by the sports authority, which believes the Rangers are contractually required to reimburse the expense.

The issue arose again Tuesday when the sports authority agreed to pay the Fanning family \$5.1 million to settle a dispute over 10 acres that had been condemned to build The Ballpark in Arlington. The city originally paid \$1.1 million for the land.

In 1996, a Tarrant County jury awarded \$7.3 million to heirs of the television magnate Curtis Mathes for 10 acres of land used for the ballpark.

Attorney Glenn Sodd, who represents the landowners in both condemnation cases, said the Fannings are pleased with the settlement released Tuesday.

"We're very pleased because we recognize we likely wouldn't have recovered a whole lot more money in court," said Mr. Sodd, who has battled condemnation cases throughout the state.

"This also helps from the standpoint of getting this over with. It could have taken several more years and hundreds of thousands of dollars if this had gone to court."

The settlement precludes a trial scheduled for October over the condemnation case, City Attorney Jay Doegey said.

"We had a pretrial hearing a few weeks ago, and the judge invited the parties to continue discussions," Mr. Doegey said, explaining how the settlement was reached 10 days ago and made public Tuesday.

Both the sports authority and the Rangers have said the Fanning case - the last pending condemnation issue - must be settled before either side could address which entity must ultimately pay the \$12.4 million settlements.

The sports authority argues it only agreed to pay for \$135 million of the project when voters approved a half-cent sales tax increase in 1990 to pay for the project.

Any cost beyond that was to be paid by the Major League Baseball team, the sports authority argues.

"Our agreement with the Rangers relates to the overall cost of the project," Mr. Doegey said.

The sports authority owns the ballpark under a public/private partnership struck with the Rangers to build the facility. The ballpark largely was paid for with the half-cent sales tax increase levied by the city-created sports authority.

The collected sales tax revenue is used to retire the bonds issued to pay for the city's \$135 million share of the ballpark.

"Right now the project has cost at least \$200 million, and the sports authority only sold bonds for \$135 million," Mr. Doegey said about the overall price of the project, which includes cost overruns and the condemnation settlements. "The city believes the Rangers are responsible for paying the rest of the money."

The Rangers maintain the baseball franchise already paid for the settlements since its rent money is being used to pay the \$12.4 million.

Texas Rangers President Tom Schieffer said his organization and the sports authority have been good partners in creating a world-class facility.

"We have a legitimate difference of opinion," he said.

The settlements with the property owners currently are being paid from an escrow account set up by the sports authority.

The annual \$3.5 million lease payments made by the Rangers to the sports authority are deposited in the account.

If the sports authority did not have to pay the settlements, the money would instead be used to retire the debt issued to pay for the ballpark. Once the city's share of \$135 million is repaid, the half-cent sales tax increase will disappear.

Mr. Schieffer argues his organization would be paying the settlement a second time if they are forced to repay the sports authority after already paying its annual rent.

"If the Rangers have to pay for this out of our pockets, we feel we are being asked to pay for the judgment twice," he said referring to the annual \$3.5 million lease payment and the possibility of another payment.

Both sides anticipate more meetings to settle their differences, but neither city officials nor the Rangers would say if they are willing to go to court to prove their point.

"This is an example of two partners who have both been good to each other," Mr. Schieffer said. "We don't want to run off and start suing each other. We're going to sit down and see if something can be worked out."

Mr. Doegey declined to say if the sports authority would sue the Rangers to recoup the \$12.4 million it has paid in settlements.

"It's still early," Mr. Doegey said. "We've just gotten to a point where we even know what the final dollar figures are."

Mr. Sodd said the Rangers eventually will pay the settlements.

"I thought the contracts clearly stated the Rangers would be obligated to pay the settlements," he said.
"This money ultimately will come from the Texas Rangers."

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