

## Fort Worth Star-Telegram

June 12, 1997

Section: NEWS

Edition: FINAL AM

Page: 1

### Deathbed request is denied Hurst forces family to move out of house despite dying woman's plea.

MARISA TAYLOR  
Star-Telegram Writer

HURST - As a woman lay dying in the hospital, city attorneys refused to extend a deadline forcing her family out of their home to make way for expansion of North East Mall.

Leonard Prohs had sought to stay one more week, because his wife, Donna, had been found to have inoperable brain cancer. Instead, he and his son were forced to leave his wife's bedside last week to move out of their house at 820 Bering Ave. Donna Prohs, 50, died Tuesday at a North Richland Hills hospital.

"We were at the hospital with my wife," Leonard Prohs said. "But it was getting close to the deadline, so we had to leave to move out at the last moment.

"I think it was cold-hearted and mean-spirited," Prohs said. "I don't think the city needed us out right away." But City Attorney John Boyle said he was abiding by a judge's order that 10 holdout homeowners near North East Mall clear out of their houses by June 6 so that work could begin on a new parking lot and major retail expansion. But Boyle acknowledged that he could have sought an extension.

"At the time, it seemed to me just to be a legal matter," he said.

City officials were not informed of the June 3 request for a weeklong extension, he said. Although he knew about Donna Prohs' illness, Boyle said he was not aware that she was in critical condition.

"I take any responsibility for the decision," he said. "If it had been explained to me that this would have caused them serious problems, then I would have granted the extension. . . . The last thing we're trying to do is be hard on people, but the court did set a date." On May 22, state District Judge Fred Davis issued an "order for possession" that affirmed the city's right to take possession of the remaining houses last week.

The homeowners had been hoping to preserve their houses until a court decided whether cities can use their power of eminent domain for private development projects. A hearing on the city's motion for summary judgment in the lawsuit is June 26 in 17th State District Court.

Of the 127 houses in the buyout area, 117 were sold after the owners agreed to a price.

Hurst Mayor Bill Souder and City Manager Jim Starr did not return telephone calls to comment yesterday.

Hurst officials say North East Mall qualifies as a public use because they must build a street on the property in question. The city also accused homeowners of violating the law by remaining in their homes after they were condemned.

Holdout homeowners have been fighting the city for more than a year. Donna Prohs was one of the most vocal critics of the city's plan, and unsuccessfully ran for City Council in May 1996. Although she lost the election, she continued to encourage other homeowners

not to give up on the struggle against the city, her husband said.

"It's going to be difficult without her," said Leonard Prohs, who has moved to Bedford. "But I've got to go on because that's what she would have wanted." Other homeowners said the deadline had been difficult to meet because they have been forced to scramble to find places to live.

"All of us wanted to stay a little longer," said Loretta Laue, another homeowner involved in the lawsuit against the city. "She Prohs was very angry about all this, as the rest of us were." Leon Lopez, a former Prohs neighbor, said he also asked for an extension because he hadn't closed a deal on his new house. City attorneys also turned down his request.

"The city knew they were not required to follow the deadline," said Glenn Sodd, an attorney for the homeowners. "I think they could have given them a couple more days." North East Mall officials have said that they don't plan to bulldoze the holdouts' houses for a couple of months. The mall, owned by Simon DeBartolo Group, is planning a \$220 million expansion that will increase its sale tax by \$11 million a year.

Staff reporter Karen Brooks contributed to this report

---

Copyright 1997 Star-Telegram, Inc.