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\$872,430 spent for lawyers' fees in ballpark case
Cost to taxpayers approaches \$8.2 million
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Taxpayers have paid \$872,430 in lawyers' fees to defend a five-year lawsuit by property owners whose land was condemned to build The Ballpark in Arlington, a review of city records revealed.

The 1992 lawsuit ended last week when the city-appointed Arlington Sports Facilities Development Authority Inc. paid \$7.3 million to settle the suit.

With legal fees and the judgment combined, taxpayers have spent about \$8.2 million on the lawsuit filed in 1992 by heirs of late television magnate Curtis Mathes.

The litigation has pushed taxpayers over the \$135 million voters approved to spend on the ballpark in a 1991 special election, city officials said. The ballpark's price tag has since grown to \$198.7 million, according to the latest figures available from the sports authority.

City officials said they weren't surprised at the large legal bill given the complexity of the suit, which has been regarded as a test case in Texas for public agencies' right to force owners to sell their property for stadium projects.

"It's a necessary evil. You have to be represented," said Bill Snider, president of the sports authority.

The agency expects to recover both the legal expenses and the \$7.3 million settlement from the Texas Rangers, City Attorney Jay Doegey said.

The city's contract with the Rangers stipulates that the team will pay for ballpark costs beyond the \$135 million that taxpayers committed to the project, he said.

But Rangers general manager Tom Schieffer said the team doesn't owe the money.

Mr. Schieffer and city officials said they will meet in the future to discuss the matter but not until another lawsuit over land condemnation is resolved. That case, involving relatives of the late Clara Fanning, is expected to be scheduled for trial this year.

Critics of the use of public funds to build the ballpark fear that the Rangers will never pay back the sports authority.

The Mathes family sued the sports authority in 1992, claiming the agency didn't have the right to condemn 13 acres of their land to build ballpark parking lots.

They also argued that the city's offer of \$800,000 was unfair.

The family lost its claim that the sports authority didn't have the right to condemn the land. But a Tarrant County jury agreed in May 1996 that the agency didn't pay a fair price for the property.

The jury awarded the landowners \$4.98 million. But accumulating interest pushed the sum to \$7.3

million while both parties in the case debated whether to file appeals.

Legal bills soared because the city-hired lawyers - some of whom charged \$350 an hour - had to work 18 to 20 hours a day to prepare for the intense, two-week trial, Mr. Doegey said.

"That runs up a pretty good bill," he said.

Although two city staff attorneys worked on the Mathes case, the city hired outside firms to handle most of the litigation, Mr. Doegey said.

Public agencies commonly hire private law firms for litigation that requires expertise in a certain area of the law.

Mayor Pro Tem Dottie Lynn said the fees were "not bad. " "I'm surprised it's not more money than that," Ms. Lynn said.

The Mathes family hired Corsicana lawyer Glenn **Sodd**, who has gained a reputation for doggedly challenging governmental agencies' right to condemn private property.

Pitted against such a tough legal opponent, the sports authority needed a first-rate legal team, Mr. Doegey said.

"We wanted to make sure we had someone who was his equal," Mr. Doegey said.

Most of the city's legal work was handled by two law firms: Harris, Finley & Bogle of Fort Worth and Barron & Adler of Austin.

Stephen Adler, who specializes in condemnation cases, said lawyers at his firm have billed for 2,000 hours of work on the case over the past five years. The sports authority has paid the firm \$422,764.19, according to city records.

"It was probably the most involved and complex case I've ever been involved in," Mr. Adler said. "The issues were so novel, and the stakes were so high. " Harris, Finley & Bogle has billed the sports authority a total of \$449,665.45 for work on the Mathes case, records show.

The city hasn't yet decided what outside firms will handle the Fanning case, Mr. Doegey said.

Relatives of Ms. Fanning also sued in 1992, claiming that the city didn't offer fair market value for 10 acres of land it condemned for ballpark parking lots.

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