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Hurst strong-arm tactics little more than bullying

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Hurst homeowner Jeri Molenburg, one of 10 property owners who refused to sell out to an expanding shopping mall despite the city's condemnation proceedings, had every right to feel the way she did.

"We feel violated," she said. "That sums it up. " An attorney used another term for what the city did: "Rape. " Molenburg expressed her feelings after a state district judge ruled that her house, and nine others, could be demolished to make way for a North East Mall expansion project even though homeowners have not had the chance to take their case to trial.

You see, she and her neighbors are standing in the way of progress, at least somebody's "progress. " A spokesman for Simon DeBartolo, the owner of the North East Mall who was obviously pleased by the ruling, said: "We'll now proceed with our plans to make North East Mall an even stronger corporate citizen in Hurst. " What they're really saying is that the mall is now an even more strong-arm citizen in Hurst.

The mall, located off the Airport Freeway and Northeast Loop 820, needs the land occupied by 127 houses in the Richland Park East neighborhood. In deals with the majority of the owners, the mall purchased 117 homes, and some already are being demolished.

That's how it ought to be with private industry. You see something you want, you talk to the owners and you come to an agreement to buy.

That's the free-enterprise way.

But in the Hurst case, a few "little people" got in the way and either didn't want to sell their homes at all or did not want to sell them for the price offered.

That's when the private developer went to the city to have its dirty work done, getting the 10 properties condemned to make way for the expansion.

There is no question that cities have the power of eminent domain when private property is needed for public use like parks, streets or libraries, but there's a big question as to whether parking lots and buildings for a private development can be considered a "public" use.

The city of Hurst says it is, based on the increased property and sales taxes that will be generated by an expanded mall.

Attorney Glenn Sodd, who represents the property owners, said courts in other states have ruled against government entities that exercised eminent domain proceedings for private development. But this is the first such case in Texas.

The way the law is written, a judge can allow the state and cities to take land while the dispute is still ongoing. Usually the dispute is merely over price, not whether the property

can be taken. The law was not written with the idea that the local or state government would lose a condemnation case, he said.

The precedent set by the Hurst case is frightening. Does this mean that at any time, a richer, more powerful or more influential property owner, who would pay more taxes than a neighbor, can take the neighbor's property for so-called "public use? " It seems that way now.

This blur between private development and public project has been coming for a while. We saw versions of it in Arlington and in Fort Worth when those cities created sports authorities to build a ballpark and a speedway, respectively. At least in those cases, the cities recognized that the citizens would have to have some ownership in the projects.

In Hurst, there is no pretense - just sheer, crass bullying on the part of the city.

Hurst Councilman Ralph Bryan, speaking of the homeowners who would not sell, said: "I think the ones that were holding out were in the money game. " Tell me, Councilman Bryan, what game was the city playing? It seems to me that it was you and the city of Hurst who first said, "Show me the money.

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