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Ballpark land suite settled Family accepts \$7.3 million

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Landowners whose property was condemned to build The Ballpark in Arlington agreed Thursday to accept a \$7.3 million jury award rather than continue fighting the city sports authority over its right to take the land

The decision brings to a close a five-year legal battle over 13 acres now covered mostly by Texas Rangers parking lots.

The attorney for the landowners, relatives of the late television magnate Curtis Mathes, said they are still upset about losing the land but decided they could not stomach two to four more years of litigation.

"They made a business decision which wasn't exactly what they wanted to do with their hearts," said the attorney, Glenn **Sodd** of Corsicana.

The Mathes property was condemned in 1992. The family sued, challenging the authority's right to condemn the vacant land to build parking lots. The family lost that challenge but last year won its claim that the authority's offer of \$800,000 for the land was unfair.

A jury decided that the land was worth \$4.98 million, a figure that swelled to \$7.3 million with pre- and post-judgment interest.

"This check is nine times the amount of money the city and sports authority tried to pay them for the property," Mr. **Sodd** said. "In that sense, they're relieved they didn't get stuck with the \$800,000 they were being offered. On the other hand, they're still bitter about losing their property to another private owner, the owners of the baseball team." Mathes family members could not be reached for comment Thursday.

Land acquisitions for the ballpark began after the Rangers decided in 1990 to build a new stadium in Arlington. The city created the Arlington Sports Facilities Development Authority to own and finance the ballpark and to help acquire land for the Rangers.

The authority laid the groundwork for Thursday's resolution in March when it voted to stop contesting the 1996 judgment by a Tarrant County jury. With interest piling up at 10 percent annually, the authority set aside the judgment in a court-controlled account.

The landowners will receive a check totaling \$7,334,731.66, Mr. **Sodd** said.

Authority President Bill Snider said he was thrilled the landowners agreed to take the award.

"It's a tortuous process that has, I think, worn everybody out," he said. "It's a pleasure to put this one behind us." One ballpark condemnation fight still looms.

In 1991, the authority condemned a 10-acre farm occupied by the Fanning family to make way for stadium parking. The authority offered slightly more than \$1 million, but the family rejected it, and the

case has been pending ever since. If a settlement is not reached, the case will go to trial later this year.

Payment of the Mathes judgment comes from an authority fund that has collected annual \$3.5 million rent payments from the Rangers since the ballpark opened in 1994.

City officials say the Rangers must repay the authority for the full \$7.3 million award because the authority has already fulfilled its \$135 million commitment to the \$191 million ballpark project.

But Rangers officials say the team is not liable because it was not a party to the lawsuit.

No talks between the city and Rangers have been scheduled.

"That's clearly something that will have to be determined in the future, how that will ultimately be paid for," said the authority's executive director, Bill Studer.

Mr. **Sodd** said one consideration in the decision to end the litigation was an illness in the Mathes family.

"One of the family members is in poor health and needed to get it over with and needed the money," he said

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