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### Land condemnation lawsuit still pending Former owners say they're ready to resolution *Larry Hartstein Staff Writer of the Arlington Morning News*

As the city sports authority seeks to end its legal battle with the Mathes family, whose property was condemned to build The Ballpark in Arlington, another ballpark condemnation fight looms.

The Arlington Sports Facilities Development Authority voted earlier this month to pay a \$7.2 million jury award won by relatives of late television magnate Curtis Mathes.

If family members accept the offer - they're mulling it over - that five-year litigation would stop.

But Arlington would still face one more stadium condemnation case. And this one, the last one, also could prove quite expensive.

The Fanning family lived on a 10-acre farm directly east of what is now the ballpark for half a century. In 1991, the authority condemned the property, which held a small frame house, a barn and some horses, 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. By contrast, the authority offered the Matheses about \$800,000 for their adjacent 13 acres.

As the city-appointed board that owns the ballpark, the authority has a nearly \$9 million surplus available to cover the Mathes verdict, said Executive Director Bill Studer. He was asked what the authority would do if the Fanning family also won a large jury award.

"There's too many unknowns - how big a verdict, when would it be," he said. "There's no way to answer that question." Kenneth Fanning, whose late mother Clara began the lawsuit against the authority, said he was encouraged by the Mathes verdict. After six years of waiting, he said, it's time to resolve his family's case.

"I worked 55 years and saved my money. I don't need the money, it's not that. But we'd like to get this settled," said Mr. Fanning, a retired racehorse breeder who lives in Arlington and Whitney.

"I'm hoping we won't have to go to trial. Of course, if we go to trial, we're going to beat 'em. There ain't no question about it." A judge upheld the authority's right to condemn the Mathes family's property. But last July, a Tarrant County jury decided that the land was worth \$4.98 million, a figure that has swelled to \$7.2 million with pre- and post-judgment interest.

The authority moved last month to end the litigation primarily because interest was piling up at 10 percent annually.

Aside from being former neighbors, the Mathes and Fanning families share a lawyer, Glenn Sodd of Corsicana. Mr. Sodd said the Matheses are weighing whether to take the \$7.2 million jury award or continue fighting the authority's right to condemn the land.

"Certainly the idea of resolving this case has some attraction," he said. "My clients have been in court

for five years fighting this thing.

"We had a great victory at the trial about the value of the property. And their decision now is to accept the jury's verdict and put an end to all this litigation or go on with their appeal over whether Arlington should be able to take their property and give it to the baseball team. " While the authority is ready to pay the judgment, city officials say the Texas Rangers must repay the authority for the full award because the authority has already fulfilled its \$135 million commitment to the ballpark project.

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

The authority and the ballclub have not scheduled talks to resolve the issue, Mr. Studer said

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