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Arlington will not contest park condemnation award *Larry Hartstein, Kim Horner Arlington Morning News Staff Writers*

ARLINGTON - The city has decided to stop contesting a \$7 million jury award won by landowners whose property was condemned to build The Ballpark in Arlington.

If the landowners agree not to seek a higher award, it would end five years of litigation over the value of 13 acres now covered mostly by Texas Rangers parking lots.

Taxpayers would not bear any of the cost, city officials said.

The money would be paid from a fund kept by the Arlington Sports Facilities Development Authority, which has collected annual \$3.5 million rent payments from the Rangers since the ballpark opened in 1994, said Deputy City Attorney Bill Studer, the authority's executive director.

The Rangers would then be obligated to repay the authority for the full award, but the repayment timetable would have to be negotiated, city officials said.

The City Council approved a resolution Tuesday night allowing the city-appointed sports authority, which owns the ballpark, to pay the May 1996 judgment by a Tarrant County jury. The jury awarded \$4.98 million, but interest has increased the amount to \$7.2 million.

Relatives of late television magnate Curtis Mathes sued the city in 1992, challenging the sports authority's right to condemn the vacant land to build parking lots. The family lost that challenge but won its claim that the sports authority's offer of \$800,000 for the land was unfair.

Mathes family members have not decided whether to accept the \$7.2 million award or appeal the ruling upholding the city's right to condemn the land, said their attorney, Glenn Sodd of Corsicana, Texas.

The family still strongly believes the city violated the U.S. Constitution by taking the land away and giving it to a private developer, Mr. Sodd said.

The sports authority has already fulfilled its \$135 million commitment to the \$191 million ballpark project, and the Rangers are required to pay land condemnation awards, city officials said.

"We have not heard anything about it or received anything," said Rangers spokesman John Blake. "Until we do, and have a chance to review it, the ball club really can't have anything to say." Bill Snider, chairman of the sports authority, said the decision was made for several reasons.

"All things considered - the running of interest, the length of time it would take to appeal, the possibility of even winning the appeal, having to go back and try it again, the fact that interest runs up 10 percent per annum - we just felt this was economically the thing to do," Mr. Snider said.

Land acquisitions started after the Rangers decided in 1990 to build a stadium in Arlington. The city created the authority to own and finance the ballpark and to help acquire land for the Rangers.

There is still one ballpark land case that has not come to trial, filed by the family of Clara Fanning, now

deceased, who owned a home on the land next to the Mathes' property.

That case has not been scheduled for trial, said Mr. **Sodd**, who represents the Fanning family

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