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Arlington sports authority liable for \$5 million award, judge rules *Larry Hartstein Arlington Morning News*

FORT WORTH - A judge on Wednesday agreed with Arlington that its sports authority - and not the city itself - is liable for a \$5 million jury award won by landowners whose property was condemned for the ballpark project.

County Judge Calvin Ashley sided with the city at a post--trial hearing, rejecting an argument by the landowners that Arlington and the sports authority are "alter-egos" who should be held jointly liable.

The ruling supports previous assertions by city officials that taxpayers will not bear the cost of the verdict.

If the verdict is upheld on appeal, city officials say, the Texas Rangers will have to pay the jury award, minus about \$800,000 from the Arlington Sports Facility Development Authority.

That arrangement is stipulated in a contract between the authority and the Rangers, city officials say. Land commissioners set the property value at nearly \$800,000, a sum the sports authority has set aside until the dispute is settled.

The authority long ago fulfilled its \$135 million commitment to The Ballpark in Arlington project, the officials say. The authority is a city-appointed board that oversees the ballpark.

Rangers officials declined to comment on the case.

Glenn **Sodd**, a lawyer representing the landowners, said the city actively participated in the case and thus should share the obligation with the authority.

"They're so intertwined, they're the alter-ego of each other," he said. "They should be bound by the judgment."

But Stephen Adler, a lawyer representing the city, said the city and the authority are separate entities with separate mandates.

Judge Ashley agreed that Arlington could not be forced into the position of a condemner.

The authority used eminent domain to condemn 13 acres from relatives of the late television manufacturing magnate Curtis Mathes in 1992.

Most of the land is now covered by Texas Rangers parking lots.

The condemnation occurred after the Rangers and the authority were unable to negotiate a deal with the landowners.

In eminent--domain cases, the governmental entity must pay the landowner fair market value, which is determined by appraisals.

City-appointed land commissioners decide the value in a hearing, and either side can appeal in court.

In this case, the land commissioners set the value at nearly \$800,000, a sum the sports authority has set aside until the dispute is settled.

Unhappy with that amount, the landowners took the authority to court and obtained a \$4.98 million award from a Tarrant County jury.

During the two-week civil trial, each side summoned appraisers to bolster their estimates of the land's worth. Appraisers for the landowners put the value at \$4.5 to \$6 million, while appraisers for the authority said the land was worth about \$1 million

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