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### **Jury rules against city in land case** **Arlington's sports authority to appeal \$5 million award to owners of ballpark-area land** *Larry Hartstein Staff Writer of the Arlington Morning News*

FORT WORTH - A Tarrant County jury ordered Arlington's sports authority on Friday to pay nearly \$5 million to landowners whose property was condemned as part of The Ballpark in Arlington project.

The city immediately indicated it would appeal the ruling, meaning no payments will be made for months, possibly years.

But if the ruling is upheld, the sports authority will have to pay interest on the \$5 million, figured from the time the land was first taken, making the total payment at least \$6.8 million, according to the attorney for the land owners.

In addition, the Texas Rangers may have to put up some of the acquisition money, city officials said. The Rangers lease the land from the sports authority, using most of it for parking lots.

Rangers officials had no comment on the verdict.

After 90 minutes of deliberation, the six-member jury apparently agreed with the landowners' contention that the 13-acre property likely would have housed expensive ventures, such as hotels, restaurants and retail shops, if it hadn't been converted into parking lots.

The jury seemed to reject the city's argument that the land, which is divided into three parcels, was best suited for warehouses.

"We're very pleased with the verdict," said Robert Mathes, one of the landowners. "We anticipate the battle is going to continue, but we're going to continue to fight for what we believe in."

City Attorney Jay Doegey expressed disappointment with the ruling.

"This is just one of the steps in the process," he said, adding that previous condemnation awards have been reversed by higher courts.

During the two-week civil trial in Tarrant County District Court, the jury heard a slew of appraisers give widely varying opinions of the market value of the property when it was taken in February 1992.

Appraisers who testified for the city put the value at about \$1 million. Those who testified for the landowners supplied estimates ranging from \$4.5 million to \$6 million.

In the end, said Glenn Sodd, lawyer for the landowners, the city's own planning documents decided the case.

The documents, Mr. Sodd stated repeatedly during the trial, show the city viewed the land as a critical portion of its

tourist-driven entertainment district.

"The city can't speak out of both sides of its mouth," he said after the verdict was returned. "They can't tell everyone that these are the best properties in the United States while trying to stand here and tell a jury that this property is only suitable for a warehouse."

Mr. **Sodd** called the verdict a victory for ordinary residents over billionaires, referring to the owners of the Rangers. If sustained on appeal, he said, the condemnation award could approach \$6.8 million with interest.

Of the three parcels in dispute, the biggest is an L-shaped tract that sits east of The Ballpark in Arlington between Randol Mill Road and Road to Six Flags.

Efforts by the city and the ballclub to acquire that and other land around the new stadium became a hot issue in the 1994 race for governor between Democrat Ann Richards and Republican George W. Bush, then the Rangers' managing general partner and part-owner.

Democrats attacked Mr. Bush's support of the private land acquisitions, accusing him of going against a Republican Party platform stating that "public money or public powers should not be used to fund or implement so-called private enterprise projects."

But Mr. Bush said there was nothing improper about the eminent domain proceedings and that the landowners had recourse through the courts.

In 1991, after the Rangers and the Arlington Sports Facilities Development Authority were unable to negotiate a deal with the landowners, said relatives of the late television magnate Curtis Mathes, the sports authority condemned the parcels.

In eminent domain cases, the governmental entity must pay fair market value, which is determined by appraisals. City-appointed land commissioners decide the value in a hearing, and landowners or the governmental entity can appeal in court.

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

That could take a while, said Mayor Richard Greene.

"We view this {ruling} as another step in what has been a very long process, and it apparently is going to continue for some time, maybe another year or two," he said. "We've attempted mediation and settlement discussion, but I think the property owners and their attorney prefer to see it stay in the courts.

"That's where it's been and I think that's where it will stay for a while longer.

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