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Case over land near Ballpark goes to jury Owners say condemned site worth \$6 million city estimates \$1 million

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FORT WORTH - A six-member jury begins deliberating Friday on a \$5 million question: When Arlington's sports authority condemned 13 acres for the Ballpark project, how much was the land worth?

The former property owners, during Thursday's closing arguments of a two-week civil trial, contended that it was worth about \$6 million because it probably would have been developed as a hotel, restaurants or a tourist attraction.

The city, however, put the value at about \$1 million, arguing that the property was best-suited for warehouses.

Now the jury will decide how much the city's sports authority owes the former landowners, relatives of the late television magnate Curtis Mathes, for taking the land in February 1992 and leasing it to the Texas Rangers for use as parking lots.

The jury of five men and one woman does not have to choose between the opposing figures; it can award whatever it determines was market value when the land was taken.

The land is divided into three parcels. The biggest one is an L-shaped tract that sits east of The Ballpark in Arlington between Randol Mill Road and Road to Six Flags.

The trial evolved into a battle of appraisers, with each side trotting out real estate experts to support its position.

"Somebody's right, and somebody's wrong," said Glenn Sodd, a lawyer representing the Mathes family. "You have a \$5 million difference of opinion, and somebody's spinning a yarn."

Mr. Sodd said the city's own planning documents from the late 1980s and early 1990s characterize the land as a highly desirable portion of the entertainment district.

"I've never seen a case where the other side spent the entire trial running from their own documents," he said.

But Stephen Adler, a lawyer representing the city, countered that there were reasons the land remained undeveloped for 30 years despite the presence of the old baseball stadium, Six Flags Over Texas and other attractions nearby. It's not located along a freeway or a major commercial strip, he said, and the crowds come seasonally.

"We have never had a year-round draw in this area," he said. "We have a lot of people in this area, but they don't come to shop, and they don't come for six months out of the year."

He urged the jury to consider only previous sales of nearby property, not lucrative offers that never came

to fruition.

In 1991, after the Rangers and the sports authority were unable to negotiate a deal with the landowners, the Arlington Sports Facilities Development Authority condemned the parcels.

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 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

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