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Intentions for land near Ballpark argued during court battle

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FORT WORTH - Arlington officials contend that 13 acres taken for parking lots near The Ballpark would have been best suited for a warehouse complex even though city plans prohibit such land uses in the tourism district, attorneys for the former property owners argued yesterday.

The properties, a 10-acre parcel between Six Flags Over Texas and The Ballpark in Arlington and 2.5 acres south of Randol Mill Road, were taken by the Arlington Sports Facilities Development Authority in February 1992 under the law of eminent domain. The matter is in court because the two sides are unable to agree on the land's fair market value.

Armed with stacks of architects' renderings of what planners in the 1980s envisioned as the future of the entertainment district, lawyer Glenn **Sodd** told jurors that policies adopted by the city of Arlington made his client's property more valuable than what the city wants to pay.

"The city had a committee on Johnson Creek saying that the area needed to be reserved for high-rise office buildings, retail shops and restaurants," **Sodd** told the jury of five men and one woman in County Court at Law No. 1. "The city's plan for the entertainment district prohibits the addition of more office-warehouses out there. They wanted to make it illegal to put a warehouse on this property."

Although the courts have upheld the sports authority's right to take the land, the former owners insist that the property is worth \$5 million or \$6 million. The city has placed the value at about \$1 million. The jury will decide the land's value in the civil trial that is expected to last well into next week.

Stephen Adler, a private attorney representing the sports authority, said that the plans for Johnson Creek and the entertainment district date back eight to 10 years but that little development has taken place except the construction of The Ballpark in 1994.

The project is being financed in part with a half-cent sales tax increase in Arlington, and jurors are not allowed to consider what effect the new facility would have on the future value of the condemned property.

In his opening statement, Adler dismissed assertions by the former owners, the Mathes family of Arlington, that numerous lucrative offers had been made for the land.

"We hear a lot about offers, but a deal never closes," he said. "Who knows why the deal never closes. Maybe the offer was serious. Maybe the buyer wanted to go down the road to property he really wanted and say, 'You better sell because I just made an offer to another guy.'"

Jamie Wickliffe, an independent real estate appraiser and a city councilwoman in Midlothian, testified on behalf of the Mathes family that the land was primed for high-end commercial development before The Ballpark project was conceived.

The chief reason, she said, is because it is at the intersection of Interstate 30 and

Stadium Drive - now Ballpark Way - and near the Marriott Hotel and the Arlington Convention Center.

"The city was focusing a lot of attention on this area at the time," Wickliffe said. "Because the entertainment district is an identity point for the community, it was a long-term goal to make this area have even more appeal than it already did."

Testimony is expected to continue today in Judge Calvin Ashley's courtroom on the fourth floor in the old Tarrant County Courthouse.

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