

**Dallas Morning News, The (TX)**

May 22, 1996

**Ballpark-area landowners sue, claim city underpaid for acreage**  
*Larry Hartstein Staff Writer of the Arlington Morning News*

FORT WORTH - Like sluggers going to arbitration, landowners whose property was condemned to make way for baseball parking asserted in court Tuesday that Arlington's sports authority vastly underpaid for 13 acres of prime real estate.

The property owners, relatives of the late television magnate Curtis Mathes, are seeking as much as \$6 million in a civil trial that got under way Tuesday. They claim that because of its location the land probably would have been developed with profit-generating ventures, such as a hotel and restaurants, if not for The Ballpark in Arlington project.

"We are in between Rangers stadium on one side and Six Flags on the other," said their lawyer, Glenn Sodd, in his opening statement.

But the city and its sports authority, which paid slightly more than \$800,000 when it took over the land in an eminent domain proceeding in 1992, contend the property was best-suited for warehouses.

A lawyer for the city asked the six-member jury to disregard expected testimony about high offers made for the land during the 1980s, saying the best comparison is to actual sales of similar tracts.

"Look behind the hype and see what the marketplace actually does," said the lawyer, Stephen Adler, in his opening statement.

Unlike in baseball arbitration, the jury does not have to choose between two figures submitted by opposing sides. It can award the property owners whatever it determines was market value.

When the Rangers decided in 1990 to build a new stadium, the team submitted to the city a plan identifying land near the stadium that it wanted to control. The city created the Arlington Sports Facility Development Authority to own and finance the ballpark and to help acquire the land for the Rangers.

Some property owners willingly sold their land, but the various owners of about 42 acres ended up in court with the city. The land formerly owned by the Mathes family is the last property still in dispute. The land acquisitions became a hot issue in the 1994 governor's race. Democrats accused George W. Bush, then the Rangers general managing partner and Republican candidate, of going against his party's platform, which barred the use of "public power" for "private-enterprise projects."

But Mr. Bush said there was no conspiracy between the city and the Rangers to take the land, and there was nothing improper about the eminent domain proceedings.

The trial before Judge Calvin Ashley is expected to run into next week.

Mr. Sodd said he will demonstrate during the trial that the city's own planning documents foresaw the L-shaped parcel between Road to Six Flags and Randol Mill Road as an extremely valuable portion of the entertainment district.

During the 1980s, he said, the Rangers twice made offers to build a hotel on the property, once for \$10 a square foot and once for \$8 a square foot. That is four to five times higher than the \$2.50 a square foot now being offered by the city.

"You're right across the street from a convention center and a hotel, and you're not good for a hotel," Mr. **Sodd** said,

sarcastically describing the city's argument.

Mr. **Sodd** said his clients, who had worked with the city on previous projects, rejected the offers because they had been asked by the city to hang onto the property so it could be incorporated into the entertainment district.

Mr. Adler, on the other hand, called the property far less attractive. It lies "back behind the amusements in the city of Arlington," he said. "The evidence in this case is going to show that the land that is back behind these things is used for office warehouse type of things."

Offers made by the Rangers and others who considered building hotels, shops or restaurants on the property are irrelevant because no deals were ever consummated, he said.

"That kind of {deal} never happened in the '60s, the '70s, the '80s," he said. "The people that are coming here are not coming here to shop and to eat."

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