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Lawyers argue value of Ballpark property

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FORT WORTH - Ten acres used for baseball parking were once considered for a hotel and are worth millions more than city officials want to pay, attorneys for the former landowner said in court yesterday.

But attorneys for the Arlington Sports Facilities Development Authority, which took over the land and in 1992 paid \$817,220 for it and a smaller tract nearby, rejected the notion. They contend that land values cannot be based on purchase offers that were never consummated.

The L-shaped property sits east of The Ballpark in Arlington, between Road To Six Flags and Randol Mill Road. That parcel and a smaller one just southwest of The Ballpark are the subject of a civil lawsuit in Tarrant County District Court No. 1 that started yesterday.

The lawyers made their arguments before a jury was seated, asking Judge Calvin Ashley to rule on an assortment of motions to determine the factors influencing land values in condemnation cases.

The property, formerly owned by the Mathes family of Arlington, is the last of the land that was taken for The Ballpark that remains in dispute.

The jury will decide the land's value. If the award exceeds what the sports authority has in a court-controlled account, the Rangers must pay the difference because the money the sales tax will yield has been spent.

Glenn **Sodd**, a Corsicana lawyer representing the Mathes family, said the property, totaling about 13 acres, was worth \$5 million to \$6 million. He said the former owners received proposals in that range in the 1980s from hotel and retail developers and from then-Texas Rangers owner Eddie Chiles.

And, he said, city appraisals of the land before The Ballpark was built put the land at that value. The sports authority now places the value at \$817,220, and has used most of the land for parking lots since The Ballpark opened in 1994.

Stephen Adler, a private lawyer representing the sports authority, said that because the deals were never made, it's doubtful that the property was worth that much.

"We're put at a tremendous disadvantage if they are allowed to put this puffery out," Adler told the judge.

But **Sodd** argued that the land appraisers he will call to testify correctly based their assessments on what developers considered paying for the property.

"It guts my entire case if the experts can't testify" about previous offers made for the acreage, he said.

Ashley said he would decide during the testimony phase of the trial whether to allow the appraisers to discuss the proposals.

Both sides came to trial, held on the fourth floor of the old Tarrant County Courthouse, with a battery of lawyers and several cardboard boxes stuffed with court documents.

The sports authority lost an early round when Ashley ruled that the former landowners' attorneys could show the jury drawings of the property that demonstrated that the L-shaped site could accommodate a full-service, high-rise hotel and a parking lot.

"It's prejudicial because it's not real," Adler said, noting that some jurors might think the sports authority scuttled a deal for a hotel when it took the land.

But Clay Beard, who also represents the Mathes family, said the drawings would give jurors a sense of the property's potential.

"The biggest issue in this trial is, what is the highest and best use of the property?" Beard said.

Opening statements are expected to begin when the trial resumes this morning.

MAP(S): Ballpark land suit

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