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Trial to begin in dispute over value of land taken for Ballpark

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ARLINGTON - A long-running dispute over how much 13 acres near The Ballpark in Arlington is worth is to go to court today when attorneys for the landowners are expected to argue that the Arlington Sports Facilities Development Authority paid bargain prices for prime real estate.

City Attorney Jay Doegey said last week that the sports authority, an arm of the city government that oversees the tax-supported Ballpark project, paid a fair price when it condemned the land in 1992.

"When land is taken for a public purpose, as in the Ballpark project, the public entity pays what the land is worth at the time of the taking," Doegey said. "We can't take into consideration what the property might be worth after The Ballpark is built."

The jury trial is scheduled to begin at 10 a.m. in Tarrant County District Court No. 1 before Judge Calvin Ashley. The courts have already ruled that the sports authority has the power to condemn land for the project.

The property, two tracts formerly owned by the Mathes family, was among several privately owned parcels that the Rangers needed for the 270-acre Ballpark complex when plans were drawn in 1990. The Mathes properties are the only ones still being contested.

When city officials and the Mathes family could not agree on a price for the property, the sports authority condemned the vacant land and paid \$817,220 into a court account, which is what three land commissioners ruled the property was worth. The Rangers took possession of the land in 1992, and much of it is now being used for Ballpark parking.

The Matheses' attorney, Glenn **Sodd** of Corsicana, said appraisers hired by his office estimate that the land in dispute is worth more than \$5 million.

"We still don't think it's legal for the city to take our client's property and give it to the Texas Rangers," **Sodd** said Friday. "But if they are going to take it, we argue that they should pay \$14 per square foot, not the \$2.50 a foot that the city is offering."

The jury can award any amount it deems fair, said Jeanene McIntyre, an assistant city attorney in Arlington who has worked on the case.

Attorneys for both sides estimate that the trial will last about two weeks.

The case became part of a statewide political squabble in July 1994 when George W. Bush, then the Rangers managing general partner and the Republican candidate for Texas governor, was named in the lawsuit filed against the Rangers in a state District Court in Houston by the Mathes family. The family alleged that the ballclub conspired with Arlington to improperly use the power of condemnation.

Bush asserted at the time that he had no personal involvement in land acquisition for the stadium project, and court records bear him out. The case has been transferred to the Tarrant County courts and has been on hold pending the outcome of the condemnation trial, **Sodd** said.

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