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PAYING UP PAYS OFF

For city of Arlington, offering residents thousands of dollars to move makes buying 200 acres needed for new Cowboys stadium easier

ANDREA AHLES
STAR-TELEGRAM STAFF WRITER

Sometimes throwing money at a situation can make it better.

For the city of Arlington, offering local residents thousands of dollars to move out of the way of the new proposed Dallas Cowboys stadium made it a little easier to buy the 200 acres needed for the project.

City officials have estimated that it may cost up to \$80 million to buy all of the land, and so far, they have spent \$64 million for 150 of the 158 parcels in the site area. The land-acquisition costs are part of the city's contribution, capped at \$325 million, for the \$650 million stadium.

Thirty of the 38 homeowners who qualified for the relocation bonus took the city's offers on their homes, according to city records. In addition to the \$22,500 bonus, the city paid each homeowner's moving expenses, if they moved within 50 miles, and closing costs to complete the sale of their homes.

Betty Rychlik, who lived on Sweetbriar Drive with her husband, Bill, for 47 years, said the city paid a fair price for their home once the relocation incentive was added in. The retired couple bought a slightly larger home in southwest Arlington with the money they got from the city. Her only complaint was that they had to pay federal income taxes on the bonus. Roger Venables, the city's real-estate manager, said the city did not give tax advice to the homeowners when it made its offers.

Although most of the homeowners took the city's settlements, many of the property owners who owned rental homes or vacant land in the stadium area did not. Instead, several cases have been filed in county court and state district court where property owners are trying to reverse the condemnation process or to increase the settlement offers they received from the city, according to court documents. The outcome of these legal cases could increase the amount the city will spend on land acquisition.

Several landowners are asking the courts to award them more money for their property. Others are fighting to keep their land, saying the stadium project does not fit the "public use" definition that allows local governments to acquire land through eminent domain.

The city has spent \$11 million to acquire all of the residential land in the stadium area and \$54 million for commercial properties. In addition to the 38 houses it acquired, the city bought nearly 60 rental homes and 24 vacant residential lots. The city is still negotiating settlements for businesses along Collins and Division streets and expects to finish acquiring land for the project within 60 days, Venables said.

Mayor Robert Cluck said he had hoped that all of the homeowners would take the city's offers, which he called fair, but added that 80 percent was higher than he had estimated.

"I think the overwhelming number of people came out ahead taking the fair market value of their home," Cluck said. "We all knew that the acquisition process would be uncomfortable, and sure enough it was."

Although Patricia Lowe took the city's offer and received the \$22,500 bonus, she said she felt that her property should have been valued like a commercial lot.

"We finally settled because we felt threatened by the city," Lowe said. "It was either settle or we're going to take your house and get nothing. So we settled."

For the eight homeowners who contested their property values in front of a court-appointed panel, most were awarded settlements that increased the city's offer by only a few thousand dollars, not enough to offset the loss of the city's relocation bonus. If these homeowners had taken the bonus, they would have received 20 percent to 35 percent more money than the panel awarded them.

Only Evelyn Wray, the last homeowner to leave her home in February, received a substantially higher valuation for her land. Initially the city had valued her home and 4 acres at \$351,700. The panel awarded her \$1.2 million, but Wray is fighting to keep her land and get more money for it in state district court, said her attorney, Glenn Sodd.

Sodd is representing more than 10 landowners who are challenging the legality of the city's actions. He argues that the city is not properly using eminent domain and is violating the state constitution, which says governments can condemn land for public use. Sodd — who won multimillion-dollar settlements for homeowners affected by the North East Mall expansion and the construction of the Texas Rangers ballpark — said the stadium is not for public use but for the Cowboys, a private corporation.

Although the U.S. Supreme Court ruled last year that governments can use eminent domain for economic development, Sodd said it won't affect his case. He said he also does not think a law passed by the Texas Legislature that restricted eminent domain but exempted the Cowboys project will affect the cases.

Sodd said he is talking with the city attorney's office, trying to settle the cases before they go to trial. If settlements aren't reached in the next few weeks, he said, trial motions could start this summer and drag on for years.

"If we don't settle these cases, they will go to trial and be appealed by whoever loses, and no doubt the football stadium will be up before the cases are decided," Sodd said.

The possibility of a long legal battle with the city discouraged some homeowners from fighting to keep their property.

Gunther and Marjorie Ziesemann had every intention of keeping the home they had lived in for 25 years on Crestwood Drive. But because they remortgaged their house two years ago to remodel it, Gunther Ziesemann said, they couldn't buy a second house while waiting out a trial.

"I even had a lawyer, but I couldn't afford to wait two or three years for them to make a decision on what kind of settlement I would get," Gunther Ziesemann said. "I would have had no place to live."

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200 acres: Amount of land needed for new Cowboys stadium

\$64 million: Amount paid for 150 of the 148 parcels of land

30 homeowners: 30 out of 38 homeowners took the city's relocation incentive offer.

\$22,500: Value of the relocation bonus

Andrea Ahles, (817) 548-5523 aahles@star-telegram.com

Marjorie and Gunther Ziesemann had to move out of their home to make way for the Cowboys stadium.

STAR-TELEGRAM/BRUCE MAXWELL

Trucks move dirt from the site of the new Cowboys stadium in Arlington on Thursday. The city expects to finish acquiring land for the project within 60 days.

STAR-TELEGRAM/BRUCE MAXWELL

Gunther and Marjorie Ziesemann moved out of their home of 25 years on Crestwood Drive.

STAR-TELEGRAM/BRUCE MAXWELL

MAP: Land purchased for the new Cowboys stadium

STAR-TELEGRAM/DAVE SEYMOUR