

News

STOCKTON WILL PAY \$2.5M TO SETTLE BALLPARK LAND DISPUTE

2004 TAKEOVER WAS ABUSE OF EMINENT DOMAIN, COURT HAS RULED

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Marina Tower was demolished in May 2004. The land where it once stood is now used as a parking lot for Stockton Ballpark. Clifford Oto/The Record

By **Daniel Thigpen**

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Record Staff Writer

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STOCKTON - The city will pay \$2.5 million to put an end to a protracted dispute over property seized six years ago to build Stockton Ballpark under a proposed settlement before elected leaders.

The move follows last year's 3rd District Court of Appeal ruling that Stockton abused its eminent domain powers to demolish the Marina Tower property and build the ballpark. City Council members are expected to approve the settlement tonight.

The five-story Marina Tower building, considered vital to waterfront redevelopment before it fell into disrepair, was demolished in May 2004.

Marina Towers LLC fought the action, alleging the city was courting A.G. Spanos Cos. to build apartments there, only changing course when Marina Towers claimed its land was being taken for private use. The city denied the accusations.

In its February ruling, the appeals court called Stockton's acquisition a "gross abuse of discretion" and ordered the city to pay Marina Towers' legal expenses. But the court also allowed the city to try the case again.

The proposed settlement avoids another court battle.

Mayor Ann Johnston said she supports the agreement and again distanced the city from the litigation, saying it had "been handed to us" by former Stockton officials. Johnston and the council majority took office after the Marina Towers property was seized. "It's been a long, involved process. It's taken years to resolve," she said. "I think we have to get this off our plates."

Under the agreement, the city will pay \$312,500 annually for eight years from redevelopment funds.


Jeff Major, the San Jose-based principle with Marina Towers LLC, said he hoped to still work on future projects in Stockton.

"We're pleased that we've come to an amicable resolution to this issue," he said.

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