

Solana belongs in Westlake, judge rules

Southlake is expected to appeal a decision that voids the city's annexation of the complex.

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State District Judge Fred Davis ruled yesterday that the Solana office complex belongs in Westlake, not Southlake, restoring Westlake's main revenue source and handing the town another major victory in its bid to reverse its dismantling.

Davis' two-page decision, which was delivered to both communities' attorneys late yesterday, announced that he was granting Westlake's motion for summary judgment. The judge did not elaborate on key legal points in the tug-of-war over the 500-acre office complex.

The decision marks the second time this year Davis has ruled in favor of Westlake in the town's challenge of the May 1997 disannexations. In February, he voided Fort Worth's claim to Ross Perot Jr.'s Circle T Ranch.

By 6 p.m., Westlake residents had traded a flurry of telephone calls to celebrate.

"Let me come down from the ceiling," said Westlake resident Don Redding, who added that he might "kiss" Davis. "We're excited to say the least. We felt like this case was really sound, but we didn't expect a ruling so soon."

Resident Jack Walton said, "This is outstanding, just great."

Southlake attorney Allen Taylor, reached at a Southlake City Council meeting, said he had not fully reviewed Davis' order but that Westlake should anticipate an appeal.

"I presume it means that the disannexation is void, the ETJ [extraterritorial jurisdiction] is void and the annexation is void," Taylor said. "It was a total surprise as to the speed of the ruling and the way it came."

Southlake City Manager Curtis Hawk also said he believes that Southlake "could win this one" on appeal. Solana representatives could not be reached to comment.

The ruling caps one legal round in the yearlong battle over whether the office complex, which supplies Westlake with 99 percent of its tax revenue, was legally handed to Southlake by a lame-duck Westlake Board of Aldermen.

In hearings, Westlake attorneys presented 10 arguments why Southlake improperly staked a claim to Solana, including state law governing annexation of high density businesses, Solana's value to Westlake's revenue stream and that the former board refused to seat newly elected aldermen.

Southlake countered that a properly elected board made the decision to break up the town's boundaries and that office density shouldn't be weighed as a factor because Solana meets the standards for disannexation.

In his notice to attorneys yesterday, Davis stated he would not rule on Southlake's motion to put into escrow

revenue generated by Solana that has been flowing to Westlake or whether approval of a Solana parking lot should go forward. Those issues would wait until both legal camps have reviewed the main ruling, Davis wrote.

Westlake attorney Jim Morris praised Davis' decision, saying "the judge heard the evidence and applied the correct ruling."

Morris and Westlake residents also expressed surprise at the speed of the decision. Many believed that Davis might wait for the Texas Supreme Court to rule on Westlake Mayor Scott Bradley's challenge of his ouster by the lame-duck aldermen last year. He was ousted days before the disannexations.

"I feel good that we're one step closer to putting the town together again," Redding said, adding that Roanoke is still staking a claim to some Circle T land. Officials with Westlake and Roanoke say settlement discussions on that case have gone nowhere.
