

## **Court Decision Based on Course Architect's Plan**

By **WILLIAM JABINE**

What price a first green? The Knollwood CC in Westchester County, N.Y., one of the country's older golf clubs, had to seek the answer to that unusual question recently in the New York court of claims. Construction of the Cross Westchester expressway required the taking of most of Knollwood's first green, a triangular parcel 0.419 acres in area.

The club and the State of New York could not agree on the price to be paid or upon the best method of reconstructing the course to maintain its overall length. The dispute was taken to the court of claims for adjudication. There were two claimants, the Knollwood Real Estate Corp., the actual owner of the golf course which is leased to the club and the club itself. Both club and the corporation have the same officers and were represented by the same counsel.

### **\$42,000 in Damages**

The court of claims awarded the sum of \$42,000 as damages for the loss of Knollwood's first green. How it arrived at that sum is best described in the court's opinion. It reads in part: "The appropriation under consideration consisted of the taking of a triangular shaped parcel of land which comprised a fairly substantial portion of the green of the first hole of the Knollwood Country Club Golf Course. There is no dispute as to the fact that such first hole can be redesigned and the course restored to approximately the same condition it was in before the appropriation.

"Both the claimants and the state offered their version of the manner in which such restoration could be made in order to mitigate the consequential damages to the remaining property after the appropriation. There is dispute, however, as to the methods of accomplishing such restoration and a corresponding wide variation with respect to the cost involved.

"The problem of restoration not only involved the reconstruction of the first hole green, but of maintaining approxi-

mately the original length of the course. Prior to the appropriation, the golf course was 6,353 yards long; 3,280 yards on the front nine holes and 3,073 yards on the back nine.

### **Reconstruction Plans**

"The claimants proposed reconstruction of the green of the first hole and the setting back of the first tee to compensate for the yardage lost by the relocation of the first green. The state, on the other hand, recommended a relocation of the first green, which would reduce the distance on the first hole from 390 yards to 355 yards. It would compensate for the lost yardage by relocating the tee of the 14th hole, increasing the length of that hole from 282 to 317 yards.

"A member of Knollwood, an architect and one of his firm's employees, testified as to the claimants' proposed method of restoration. Neither witness ever designed a golf course. The member's work and that of his firm was primarily designing buildings with emphasis on hospitals. The employee had only limited experience in laying out portions of a golf course.

### **More Practical Plan**

"The State called as an expert witness a golf course architect with an impressive background in his specialized field. This court accepts his plan as being the more practical and in arriving at an award, has given consideration to his estimate of the cost of restoration. We also find that it will be necessary to restore the green planting at the first hole and have considered the cost thereof. (Citations)

"The claimants are entitled to the fair market value of the parcel appropriated as well as consequential damage to the remaining land."

As stated above, the court made an award of \$42,000. The judgment also included interest on that amount for a period of about two years while the litigation was pending. The decision indicates that a golf course architect has an edge on a hospital architect when changes in a golf course are involved. (*Knollwood Real Estate Company v. State*, 227 N.Y.S. 2d 112.)

### **Green Section Service**

In recent months, the USGA has added 20 clubs to its green section visiting list and removed 24. The Southwestern district has shown the largest gain, adding seven clubs and losing three.