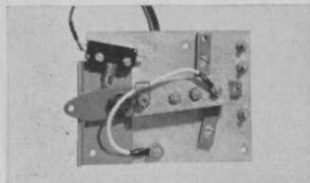


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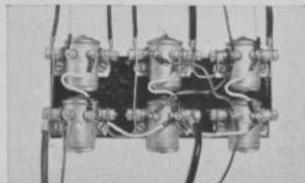
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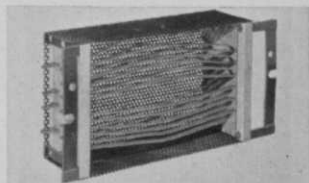
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Enjoin Building of Roadway on Course as Restrictions Violation

By WILLIAM JABINE

A proposed road which would run across a golf course near Shelby, N.C., aroused opposition among neighbors and some of the members of a golf club. They sought an injunction to prevent the construction of the road, which as planned, was to bisect the 9-hole course between the seventh green and the eighth

Legal Side of Golf

tee. Defendants in the action were the owners of land adjacent to the course, who intended to subdivide their land and needed the road to serve the purchasers of their lots, and the directors of the golf club who had voted to permit the construction of the proposed road.

Back in 1926 when the golf course was started, the land on which it was built was owned by the Cleveland Realty Co. which had developed it for residential and recreational purposes including a 9-hole golf course. Other portions of the tract had been sold to individuals who built residences thereon. On May 25, 1926, the company recorded a plat of the development showing lots, streets and the golf course. On the plat were inscribed certain provisions and restrictions, portions of which read as follows:

"Developers do hereby dedicate the streets and alleys as indicated on the plat to the public use forever * * *

"We further dedicate the golf links and playgrounds, and the land occupied by the same indicated on the map, for such use and pleasure of the owners of the lots * * *

"We restrict the use of all lots shown on this plat * * * in the following manner:

"1. The lots shown on this plat are to be used for the location of residences,

with only one residence to the lot * * *

"3. All title, rights and property not specifically conveyed are hereby reserved to (developers) * * *

"4. Further restrictions may be prescribed in several conveyances by (developers) which together with the foregoing shall perpetually attach to and run with the land."

Deed to Club

The company then proceeded to sell its lots and also executed a deed to the Cleveland CC, Inc. This deed included clauses inserted between the description of the golf course and what is known as the habendum clause, the following restrictions:

"1. That the land herein conveyed is to be used as the site of a 9-hole golf course and tennis courts as now used and located.

"3. That said land shall be used for no other purpose than as the site of a golf course and tennis courts and other recreational purposes. Any portion not occupied by same may be used for parks and playgrounds for the use and enjoyment of the members of said golf course and tennis courts, including their families and guests.

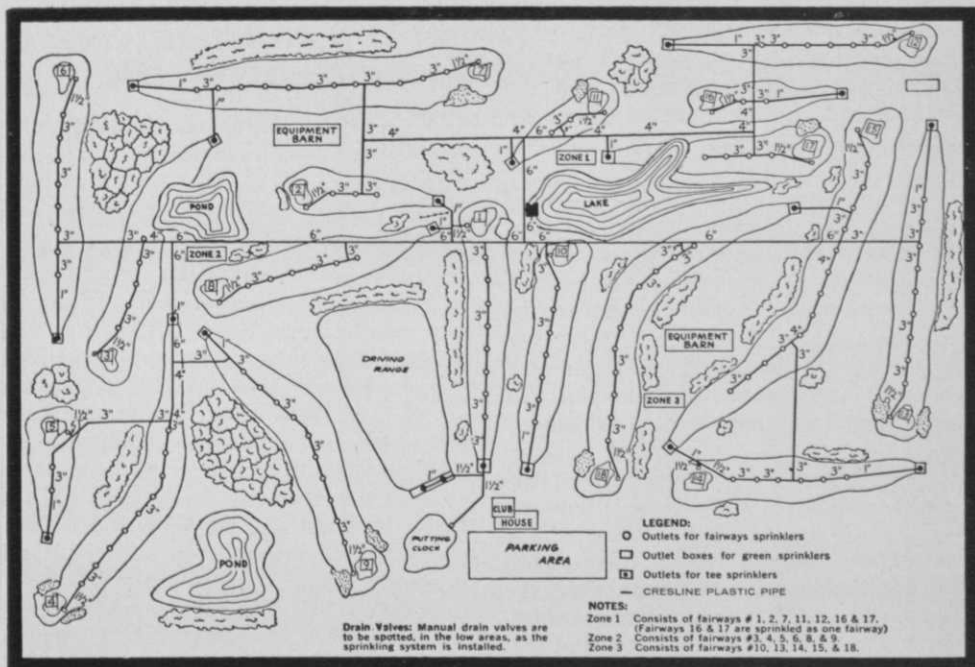
"4. That in the event of the violation of any of the restrictions or reservations herein set forth, the grantor, its successors and assigns, shall have the right to have the same abated.

"5. That all of said conditions, easements and reservations shall perpetually attach to and run with the land conveyed."

Injunction Dissolved

In 1963 a man named Hobbs, who was developing land north of and adjoining the golf course, sought permission to construct a road across the course. Owners of lots purchased from the Cleveland Realty Co. objected, as did some of the members of the golf club. They joined Cleveland Realty in seeking an injunction to bar the construction of the road. A temporary injunction was granted which later was dissolved. An appeal to the Supreme Court of North Carolina followed.

The trial court which dissolved the



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Hudson Newsletter Includes Some Hot Weather Suggestions

injunction held that the restrictions in the deed to the Cleveland CC were of no effect because they were merely part of the description of the property and did not appear in the granting or habendum clauses. The Supreme Court disagreed, saying in part:

"The roadway which Hobbs proposed to construct and maintain would be inconsistent with and violative of the restrictions which Cleveland Realty Co. undertook to impose. The golf course was restricted to recreational uses. It was not the intention of the realty company that it should be even a limited thoroughfare for public travel and have a roadway thereon incidental to the development of residential subdivisions by independent developers of land outside the Cleveland Springs Estate (original name of the course), and thereby become a consideration and inducement to prospective purchasers in independent subdivisions. It was undoubtedly contemplated that the golf course would be a relatively private and secluded area where those entitled thereto, children and adults, might enjoy recreational activities without the dangers, interruption and molestation of vehicular traffic.

"Where lots are sold and conveyed by reference to a map or plat which represents the division of a tract of land into streets, lots, parks and playgrounds, a purchaser of a lot or lots acquires the right to have the streets, parks and playgrounds kept open for his reasonable use, and this right is not subject to revocation except by agreement. (Citations.)

"The map of the Cleveland Springs Estate shows no roadway between the seventh green and the eighth tee, and no roadways extending across the golf course to property outside the subdivision. To permit a roadway, open to public use, to be constructed, maintained and used over and across land dedicated for the purpose of a golf course would amount to a dedication of the land to a purpose in conflict with that for which it was originally dedicated. If it is permissible in this instance, we see no reason why a roadway, open to the public, could not be maintained between each green and tee and outside each fairway."

A recent issue of the Hudson Valley GCSA Newsletter, edited by Bill Smart, supt. at The Powelton Club, Newburgh, N. Y., contains some interesting hot weather tips. Particularly valuable to turfmen are remarks made in a section of the article that deals with wilt conditions.

Troublesome hours are ahead, it is pointed out, when there is severe moisture loss in fine turf. There are numerous signs that tell when this is going on. Small birds sit with their bills open, as if gasping . . . Dogs dig holes and lay in them . . . Dirt roads are powder-dusty . . . Water from a hose is almost too hot to touch when it first comes out . . . An automobile is too hot to touch . . . Streams drop rapidly.

The article goes on to suggest that greens should be checked the first thing in the morning and at two hour intervals until around 3:30 or 4 p.m. If, in the early morning, there is an absence of dew on any spot or portion of a green, there could be trouble ahead. This is a localized dry spot and should be dealt with immediately.

Make Sure of Proper Care

Where there is a history of disease, the article recommends that regular spraying be carried out during the hot period. It also tells the supt. never to leave his course in the summertime unless he is absolutely sure that the greens will be properly cared for in his absence. This applies to even a few hours as well as days.

Fungicide treatments are made more effective and scums and algae are better controlled if greens are treated in mid-season with a light application of hydrate of lime, according to the Newsletter piece. A 5 to 10 pound application, put on dry with a 36-inch spreader, is recommended. The lime should be watered in and no fertilizer treatment should be made immediately before or after the application.

Muriate of potash (60 per cent) is recommended for stiffening grass blades and

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making them more heat resistant. The suggested dosage is one pound per green, applied with a power sprayer and watered in. Application of dark or black material, such as topdressing, says the article, probably should be avoided during the hot days because it absorbs the sun's heat and raises the green's temperature.

Water Beyond Green

When it comes to syringing greens, the Newsletter says that the watering shouldn't be confined to the immediate putting surface, but to the area surrounding it for best results. The air temperature is lowered over ground that has been watered and the cooling effect shouldn't necessarily stop at the green's perimeter.

Finally, it is recommended that green mowers should always be adjusted before they are sent out. They should be lapped every four weeks and their cutting height frequently checked. Dull mowers, it is said are more injurious to blade tips during hot weather than they are when it is cool. Greens mowed with dull mowers often look like coco mats when viewed from a distance on warm days.

USGA Brochures List Benefits

Clubs not currently members of the USGA are being sent two brochures describing the benefits of the organization. The USGA stresses the fact that it has provided national standards for golfers and conducted valuable research in the establishment and maintenance of fine turf that has aided all course operations. The USGA feels that non-member clubs have received many benefits from the organization without sharing the costs. One brochure contains information on the purposes and objectives of the USGA, and the organization that has evolved to handle these goals. The other brochure describes the services of the USGA green section.

Price Was Wrong

It was inadvertently stated in June Golf-dom (page 50) that the price of "Golf Club Reconditioning", published by Lakeside Golf Center, Whalom Park, Lunenburg, Mass., is \$2.25. The price of this book is \$5.00.

Capital Improvements

(Continued from page 26)

making a decision as to whether or not some facility should be added or expanded.

Every country club has an economic level. It remains quite stable over the years. In the last analysis, the club's economic level should determine just how ambitious or large any capital expenditure should be. It shouldn't be forgotten that when there is capital expansion, a day by day expense increase goes along with it and becomes permanently established.

How Many Will Enjoy It?

Almost as important as the economic aspect of any large addition to a club's property or facilities is the question of how many people actually are going to enjoy it. Previously, we referred to the skeet trap or bowling alleys or even the landing strip that some clubs invest in. These might be expanded to take in ski facilities, curling rinks and similar facilities. They are fine things to have if they are economically justifiable and if a reasonable number of members plan to use them. What percentage of members will be able to take advantage of any new facility is something that individual clubs have to work out.

I have come across several clubs that haven't necessarily been wrecked by influential members, but the damage has been great. There are those, of course, who say that the membership can vote down anything that it feels is not economically feasible or which the majority doesn't actually want. That is fine. The veto should be exercised when a planned capital expenditure seems to be out of line. Members, too, should protest when expenses outrace income, making year-end assessments necessary to keep the club out of the red.

Votes Are Dictated

But, like in politics, the power of the veto is rarely used at most clubs. When it comes to voting on almost any issue, members are apathetic or they allow the influential members to dictate their votes. Too many people don't want to be accused of "standing in the way of progress."

Too many are swayed by that patented phrase, "Well, if the club across town has a polo field, certainly we can afford one."

Country club members can't bury their heads in the sand. If there is need and demand for an additional lounge, an expanded dining room, a curling rink and enough people will benefit from one or all, these things should be added. But that familiar old question, "Is this addition necessary?" should be asked of himself by every member in the club when some new facility is suggested. I have talked with too many officials in the last year or so who are alarmed by the high cost of keeping country club doors open to know that a good deal of money is needlessly going out the window, or that too many members are not realizing benefits from some of the things they are paying for.

Wear Color to Sell It

(Continued from page 36)

every year or two, shortly before the women's fashion show is held. This year the place is brilliant in a combination of pattern wallpaper, yellow painted walls and woodwork and a touch of light gray to harmonize with the carpeting.

"Don't go overboard on me as a golf-wear specialist," says Charlie Burkart. "I'm interested in more than just selling and wearing flamboyant sportswear."

From which, Burkart proceeds to detail some of the things he does, and has done, in his more than 38 years in the golf business.

Still Uses "Specials"

As far back as 1929 he was immersed in Junior golf programs, running free clinics for several months and climaxing them with a series of tournaments for different age groups. More than once he reached into his own pocket to buy trophies so that the kids who did well in the tournaments had mementos to show for their achievements. The Junior program continues to be an important fixture at the Cedar Rapids club.

Player Sells Self

There are about 250 men and 100 women players at Elmcrest. That many



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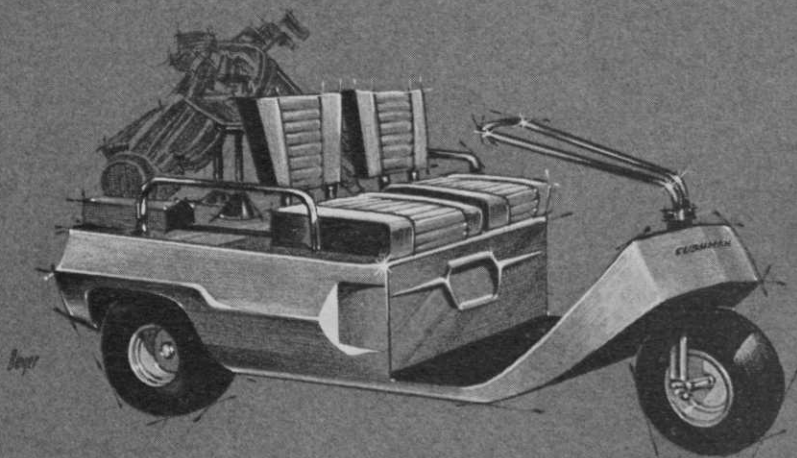
golfers constitute a very good market for clubs and Burkart feels that he does as well as the next fellow in taking advantage of it. "You don't actually sell clubs," Charlie says. "You try to keep your eyes and ears open to find out who might be in the market for a new set. In between times, you keep suggesting that a player might want to try out a single club, or a set of woods or a set of irons. If he finally does, and shows the least bit of interest in them, you show him why the new clubs are better than his old ones and how he can hope to improve his game by buying them. You try to be as knowledgeable and convincing as you can, but in the long run the player sells himself."

Burkart owns the golf cars at Elmcrest, renting them at a rate of \$4 for nine and \$7 for 18. His season's storage and cleaning rate is \$15. His wife handles the shop books and does the billing and a Cedar Rapids auditing firm prepares the year-end statements and handles the tax work. The Elmcrest shop is open from March 1 through October. Then, on December 1, Burkart and his assistant return for

another month to take care of the Christmas shopping business.

In spite of the large volume of sportswear that is sold at the Elmcrest club, Charlie Burkart still has to resort to "specials" to get rid of all that he orders. Much of the leftover merchandise is sold from under a tree on the first tee on weekends or when club tournaments are played. At the end of the season there still may be a few women's items hanging over, but there is a suspicion that anything in the men's lines that isn't sold goes into a dresser drawer or closet at Charlie's home. How else does a fellow build up a wardrobe like the one he has?

The nineteenth annual Jaycee Junior golf tournament will be played in St. Paul, Aug. 3-8, as part of the Sports Spectacular sponsored by the Jaycee organization. Tennis and track and field competitions will be staged simultaneously with the golf event. About 200 of the country's leading Junior golfers will play in the tourney. Last year, Don Iverson of La Crosse, Wis. won the tourney with a 282.



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Grau's Answers

(Continued from page 56)

was no damage from lime or fertilizer. The brownness was simply exposed thatch after you took "Trouble From the Top." In removing surface thatch the green grass blades were removed. That left only brown stems. When I saw the affected greens a few days after the treatment the new fresh green growth was recovering 100 per cent. The greens have been greatly improved by the full treatment. The 90 degrees accentuated the "brown." Had the weather stayed cool the scalped thatch still would have been brown. You may expect your program to gradually reduce the thatch and promote improved water penetration. You need fear no reaction between the lime and the fertilizer.

Backyard Green

Q. I'm interested in building a small putting green in my back yard. Could you please send any information that you might have which would be helpful to me? Do you recommend planting seed or using sod? I want to get the green ready in a hurry. (Mass.)

A. There is no single piece of literature designed to answer the questions of the homeowner who wants a putting green in the backyard. To review the existing literature on the maintenance of greens would be a time-consuming task and one which we could not even attempt to con-

dense in these columns.

Building a green would be a simple matter. The maintenance of the putting green is something else. I would suggest that you consult with the nearest supt. and discuss the problem with him. He will be able to tell you the whys and the wherefores of the building and the maintenance. It is entirely possible that your backyard may be totally unsuited to a putting green. This could be determined only by an on-the-spot inspection by a qualified person.

To put a backyard green into play as quickly as possible, it would be best, after the bed is prepared, to lay putting green sod from a nursery. In this way you could be playing on the green in a week or two. If the green were to be seeded or stolonized, it would take 8 to 10 weeks before the green would be in play and then it would not be too satisfactory for another month or six weeks.

You must remember that a putting green on a golf course is mowed every day or two. They are watered frequently and treated with fungicides and insecticides whenever needed. Since it takes years to learn how to do this properly, maintenance should be put in the hands of a qualified supt. who can direct a workman to handle the necessary tasks.

It is a critical operation to keep a putting green mower in top operating condition. This, too, is not a task for an amateur.