



Town of Vail Construction begins on the relocation and downsizing of the 18th Green.  
(photo by property owner)

# Vail Homeowners Association Newsletter

News, Analysis, and Commentary for Vail Homeowners

September 28, 2013

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**Relocation of the 18th Green - Was This Really Necessary?**

**18<sup>th</sup> Hole and Green on Their Way to Downsizing:** The signature hole of the Town golf course is about to be downsized to a par 4 hole as part of the expanded commercialization

of the Golf Clubhouse as the Vail Town Council has given final contract approval to begin relocating the 18<sup>th</sup> green. This is notwithstanding a resolution from the Vail Recreation District (VRD) Board of Directors opposing moving ahead with construction, at least for the time being.

**Residents Paying the Price:** This, as some believe, is a loss for local and part-time residents as it diminishes the quality of the experience for both the golfing public, which is largely composed of local and part-time residents, and the adjacent residential neighborhood. They see taxpayers footing the bill for expensive litigation with the surrounding Golf Clubhouse neighborhood which will inevitably deprive other neighborhoods, particularly in East and West Vail, of new sidewalks, improved bus service and other tangible improvements.

**Litigation Results From Lack of Trust:** Adjacent residents to the Golf Clubhouse have initiated litigation in the belief that the operation of the commercial event center at the Golf Clubhouse is incompatible with the character of their long-established residential neighborhood and would violate long standing protective covenants on the land. The neighbors fear that they have little or no protection from the Town of Vail eventually converting portions of a public municipal golfing facility into an indoor/outdoor commercial event center operation as depicted in a Town report concerning an alleged safety issue over the trajectory of errant golf balls from the nearby driving range.

**Neighbors fear that as part of a new commercial center the Town will eventually build, a parking lot and outdoor event area on the existing 18th green as shown in the above July 2012 Town of Vail planning document. Without written assurance from the Town, neighbors are concerned that the**

**Town will implement its long-term plan. The neighbors believe the effects of traffic and outdoor partying will adulterate the peaceful quality-of-life in their residential neighborhood and that the commercial event center is not in compliance with intended recreational use, open space, and parkland protective covenant restrictions.**

**VRD Directors Wanted Construction Delay:** The VRD is the lessee and operator of the Town of Vail (TOV) owned golf course. Three of the five VRD Directors urged the Council to delay work on the relocation, until the neighbors' lawsuit over the redevelopment of the Golf Clubhouse was decided by the courts. The VRD Directors said that both the relocation of the 18th green and the redevelopment of the aged Golf Clubhouse should occur at the same time. The Town Council by moving ahead would cause the staggering of the construction for the two related projects. This would result in a multiple-year shut down of key summer operations, bringing about significant losses in VRD's golf revenue.

**Errant Golf Balls, a Critical Safety Problem or Convenient Excuse?** In turning down the VRD's request for a delay, members of the Town Council said they were acting expeditiously to alleviate threats to public safety from errant golf balls. Saying that they had no choice but to approve the relocation work and commence construction immediately. The VRD Directors said there was no immediacy of impending threat because the same or similar conditions had existed for the last 40 years. They wanted sufficient time to find other remedies to the alleged safety issue.

**Golf Safety Consultant Refutes Town's Safety Claim:** On this point, the plaintiffs from the neighborhood in the course of a recent court proceeding provided testimony from a golf course safety consultant that refuted the Town's safety claims, which had been based upon an analysis provided by another safety expert. The plaintiffs have provided an [affidavit from a golf safety consultant](#), who challenges the validity of the methodology used by the Town's expert.

The neighborhood's consultant concluded that there was no abnormal safety issue saying, "While any golf course presents a certain degree of risk from errant shots, in my opinion the safety risk associated with approach shots to the existing 18th green is very reasonable and well within standard industry practices. While nothing necessarily needs to be done at this time, there are some relatively inexpensive steps the VRD could take to reduce the existing risks from approach shots."

**Third Party Mediation Attempt Fails:** In the weeks prior to the Council's decision to proceed; a third-party effort was mounted in the hopes of initiating discussions to find common ground in resolving the litigation between the neighborhood plaintiffs and the Town. There was a brief period of interest, but the Town's attorneys were dismissive, causing the initiative to collapse.

**Neighbors are concerned that the existing 18th green will be converted to an outdoor party center and parking lot.**

**Request for 18th Green Preliminary Injunction Rejected:** The plaintiffs proceeded with their litigation in the Eagle County District Court to seek a preliminary injunction to temporarily block construction on the relocation of the 18th Green. The Court dismissed the injunction request, concluding that the plaintiffs did not have "standing" based upon the manner in which the Town acquired ownership of the Golf Course, in the early 1980's during the first Slifer mayoral administration.

**Neighbors' Litigation Continues:** The Court ruling on the 18<sup>th</sup> green temporary injunction did not stop the neighbors' continued litigation over the uses and other aspects of the Golf Clubhouse redevelopment. Each side is preparing briefs to be submitted to the judge in early October on the central issues in the neighbors' case.

Manor Vail Lodge new parking structure covered by a park is an example of compatible redevelopment

**Neighbors Want Their Peace, Quiet and Pleasant Landscape - Not Noisy Revelers and Traffic Congestion:** Neighboring property owners are seeking to protect the peacefulness of their residential neighborhood. They have a substantial emotional and financial investment in their homes, which they fear is being jeopardized by the Town's proposed commercial event center. Neither the Town of Vail nor the Vail Recreation District have allayed neighborhood concerns over traffic congestion and the disruptive behavior that could adulterate the safety and peacefulness of their residential neighborhood. [They seek a redevelopment](#) that is compatible and values the qualities of their residential neighborhood.

## Candidate Election Forum

### Town of Vail 2013 Town Council Election VHA Candidate Election Forum

The Vail Homeowners Association invites the Vail community to submit questions to be incorporated in the 2013 Candidate Election Forum.

The Vail Homeowners Association gives Vail Town Council candidates the opportunity to provide written answers "in their own words" to questions gathered from members of the community. Each candidates' answers are posted, in the order that they are received, for the public to view on the Association's website. Additional election information is also posted.

Submit Questions for 2013 VHA Town Council Candidate Election Forum by email.  
Submit to: [vha@vail.net](mailto:vha@vail.net)

Follow the Forum on the Vail Homeowners Association website:

[www.vailhomeowners.com](http://www.vailhomeowners.com)

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