

Abeniqui Country Club, Inc.

v.

Town of Rye

Docket No. 3412-86

DECISION

A hearing in this appeal was held, as scheduled, on April 6, 1988. The Taxpayer was represented by Elaine Webb, Club Manager. The Town was represented by Arthur A. Morrill, Appraiser Supervisor, State of New Hampshire Department of Revenue Administration.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of \$2,285,200 (land, \$1,900,350; buildings, \$384,850) placed on its real estate identified as Map 22, Lot 20, located on South Road for the 1986 tax year. This subject parcel consists of buildings, tennis courts, fencing, and nine golf holes on approximately 54 acres of land. The Taxpayers also appeal, pursuant to RSA 76:16-a, the assessment of \$1,534,550 (land, \$1,534,150; building, \$400) placed on its real estate identified as Map 22, Lot 95, located on South Road for the 1986 tax year. This subject parcel consists of a utility shed and four golf holes on approximately 28.31 acres of land.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 96 percent for the 1986 tax year for the Town of Rye.

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Based on that ratio the Taxpayer's total assessment equates to a market value of \$3,978,900.

The Taxpayer argued, as they argued in a letter to the Board of Selectmen, the subject property was never meant to be anything but a golf course as it had been since the early part of the century. The Taxpayer also argued it had obtained an abatement of a portion of it's assessment on it's portion of the golf course property situated in the Town of North Hampton.

The Taxpayer's representative argued the subject property in its use as a golf course provides an amenity for abutting residential property owners whose resulting increased market values result in increased tax assessments for the Town of Rye. The Taxpayer's representative also testified there was nothing in the deed to prevent the property from being sold and subdivided for purposes other than its current purpose. The Taxpayer's representative further testified the highest number of shares which could be acquired by member stockholders was 5 and that it would require a majority vote of the membership to change the use or dissolve the corporation. The Taxpayer's representative also testified the subject property was acquired by the current owning corporate entity for \$600,000 in 1983 and that it was not an arms length transaction. The Taxpayer's representative also testified it was the intent of the majority stockholders of the previous owning corporate entity that the subject property would be used for no other purpose than golf and tennis.

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The Town argued the highest and best use of the subject property was residential lots. The Town's representative also testified there was no cluster zoning in the Town of Rye.

The Town argued another golf course property in the Town of Rye and the neighboring Town of New Castle sold in April of 1986 for \$8,331,000, which price also included more land and other improvements.

The Town's representative testified that according to the National Golf Foundation, costs of construction of a golf course would be \$1,300,000 to \$1,800,000 and that it would cost \$200,000 plus per hole for land acquisition, and construction of a course in the Rye area.

The Town's representative also argued the subject property was intensively used and developed, thus an excess frontage factor was not appropriate. The Town's representative also testified restrictions on the use of the subject property could be considered self imposed by the owners and that condition does not reduce the market value of the property.

The Board finds the Taxpayer presented no evidence of a diminution of value for the subject property due to it's use as of April 1, 1986. The Board also finds the Taxpayers argument of enhancement of neighboring property values applies also to the subject properties' values.

The Board finds the Town presented the best evidence for market value comparison.

The Board therefore rules the Taxpayer has failed to prove that the assessment is unfair, improper, or inequitable or that it represents a tax in

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excess of the Taxpayer's just share of the common tax burden. The ruling is therefore: Request for abatement denied.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

— Anne S. Richmond, Esq., Chairman

— George Twigg, III, Member

— (Mr. Damour did not sit.)

— Raymond J. Damour, Member

— Peter J. Donahue, Member

Date:

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Elaine Webb, Club Manager, representative for Abenaqui Country Club, Inc., taxpayer; and the Chairman, Selectmen of Rye.

— Michele E. LeBrun, Clerk

Date:

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