

THE POLO GROUNDS CASE

Part 1

By John Hogrogian

I recently stumbled upon an interesting case in the reports of the New York Court of Appeals for 1967. The case involved the Polo Grounds, the home of the New York Giants baseball team from 1891 through 1957, the football Giants from 1925 through 1955, the New York Titans and Jets from 1960 through 1963, and the New York Mets in 1962 and 1963. The City of New York had taken over the Polo Grounds in 1961 with the express intention of demolishing the ballpark and building a public housing project. In fact, the City leased the stadium to the newborn Mets in 1962 and 1963, then knocked it down in 1964.

Government units generally have the power to seize private property for a public purpose. This power is called eminent domain or condemnation. An example of eminent domain is a county or state taking someone's home in order to put a highway through. The United States Constitution requires that the government unit which takes the private property must pay to the owner the value of that property. Law suits are common over what is the value of property taken by the government in eminent domain.

The case upon which I stumbled concerned how much the Polo Grounds was worth in 1961. The City offered one price, while the owner claimed that the property was worth more. Those owners were the Coogan family and the San Francisco Giants baseball team. The law suit over the value of the property went through three courts, including the highest court of the State of New York, the Court of Appeals.

My local law library has the records of all cases which have gone to the Court of Appeals. When I retrieved the records of the Polo Grounds case, I found a store of information about the old ballpark.

OUTLINE OF THE CASE

The Polo Grounds occupied about 1.7 acres on Manhattan Island, the central island of New York City. It was located in the neighborhood known as Harlem and was bounded on the south by 155th Street, on the east by Eighth Avenue, on the north by a public housing project, and on the west by a fairly steep cliff which rose about 115 feet above the level of the playing field. That cliff is known as Coogan's Bluff. The stadium itself stood on the northern half of this property. The southern half of the property was used as the parking lot with a capacity of about 2,000 cars. The parking lot itself was known as Manhattan Field.

The seventeen acres were owned by four members of the Coogan family. At the time of this litigation in the early 1960's, the owners were Gardiner Coogan, Jay Coogan, W. Gordon Coogan, and Sarah Jessie Coogan. They were the four elderly children of Harriet G. Coogan, from whom they had inherited equal interests in the property.

The stadium structure, however, as distinguished from the ground upon which it was built, was the property of the San Francisco Giants baseball team. The relationship between the Coogans and the Giants was governed by a Thirty-year lease between them covering the period from May 1, 1932 through April 30, 1962. This lease was only for the northern half of the property upon which the stadium itself stood. The parties to the lease were Harriet G. Coogan and the National Exhibition Company, the corporate name of the New York Giants baseball team. The lease succeeded a previous lease between the Coogan family and the Giants, covering the period between May 1, 1911 through May 1, 1932. Another lease, signed in 1953, governed the southern half of the property, used as the parking lot. Although the Giants had left New York after the 1957 season, they still paid their rent under the lease and thus still had an interest in the Polo Grounds after they had ceased playing there.

The lease for the northern half of the property had provisions about the stadium itself. The Giants had built the stadium upon the land. For the first fifteen years of the lease (1932-1947), the Giants paid an annual rent of \$50,000. For the second fifteen years, the Giants paid an annual rent of \$55,000.

The lease provided that the Giants owned the stadium structure unless they should fail to comply with all terms of the lease, primarily payment of the rent. If the Coogans had to repossess the property because

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of default, they would become owners of the stadium without compensation to the Giants. During the term of the lease, the Giants could not demolish the stadium without the consent of the Coogans. The Giants could, however, remove or demolish the stadium during the final sixty days of the lease (March-April 1962). Conversely, the Coogans could require the Giants to remove the stadium during those final sixty days.

If the stadium still stood at the end of the lease, it became the property of the Coogans. The lease did not contain any automatic right of renewal for the Giants.

The lease gave the Giants the right to sublet the stadium. The lease also required the Giants to reserve a private box for the Coogans and to furnish them with tickets for every game or exhibition held on the premises.

Most relevantly, the lease contained provisions applicable should the City take the property by condemnation. The Coogans were entitled to the full award for the value of the land. As to the award for the value of the stadium itself, the Coogans would take 15%, the Giants 85%. Under the lease for the parking lot, the Coogans would get the entire award.

The leases between the Coogans and the Giants remained in effect after the Giants fled to San Francisco after the 1957 baseball season. The Giants continued paying rent on their abandoned New York home from 1958 until the City took title of the premises in September of 1961. Because of the lease provisions about condemnation, both the Coogans and the Giants were interested parties in the size of the award which the City would have to pay for value of the property taken. The Coogans wanted the land valued highly. The Giants wanted the stadium structure itself valued highly. The City, on the other hand, wanted the whole property valued as low as possible.

THE CHANGING NEW YORK SPORTS SCENE

New York City had built numerous public housing projects in Harlem after World War II. The City had built eight high-rise apartment buildings just to the north of the Polo Grounds in about 1950. Known as the Colonial Park Houses, these buildings stood on what had been a maintenance yard for the storage of out-of-service elevated subway cars. The City recognized that the Polo Grounds property would be a good site for additional public housing which was eligible for federal funding.

As late as 1954, the baseball Giants won the National League pennant and hosted the World Series in the Polo Grounds. When the football Giants left after the 1955 season to relocate in Yankee Stadium, rumors flew about the old ballpark's future. When the baseball Giants left New York after the 1957 season, team owner Horace Stoneham cited poor attendance and inadequate parking at the Polo Grounds as reasons for the move. The City then moved on two fronts, both involving the Polo Grounds. It sought to bring National League baseball back to New York. It also sought to add to the stock of public housing in Harlem by building on the site of the Polo Grounds.

When the Dodgers and Giants left town, in 1957, New York City was left with one major league baseball team and one NFL football team, both fabulously successful. Both the baseball Yankees and the football Giants played in Yankee Stadium, the famous ballpark in the Bronx. The neighborhood around Yankee Stadium was still resolutely middle-class, but it was beginning a slow slide into the blight from which the South Bronx is now known. Parking in the neighborhood would accommodate about 3,000 cars.

The City mourned the loss of its two National League baseball teams. The abandoned ballparks were both old, short of parking, located in declining neighborhoods, and blamed in part for the departure of their teams. The baseball Giants held a lease on the Polo Grounds from the Coogan Family which would run until April 30, 1962. The Dodgers held a lease through 1959 on Ebbets Field, which they had sold to real estate developer Marvin Kratter in January of 1957. Neither of the departed teams expected anyone to make much use of their old fields. No football team had any ties to these parks after the football Giants had left the Polo Grounds after the 1955 season. No second pro football team was yet in the works in late 1957. Baseball was the painful focus of the City and shaped the future course of stadium development.

Less than a month after the Giants' last game, the City mentioned the Polo Grounds as a site for future housing. Robert Moses was the City's Construction Coordinator and a massively powerful politician. On October 24, 1957, he stated his interest in constructing apartments on the site. He said that he had already discussed the future of the property with Edgar J. Feeley, the attorney for the Giants.

With the wound still fresh, Mayor Robert Wagner announced on November 30, 1957, that he had formed a four-person committee whose mission was to bring National League baseball back to New York. The chairman was William A. Shea, a local corporate attorney. The other members were James A. Farley, a force in the Democratic Party; Bernard F. Gimbel, of the famous merchant family; and Clinton W. Blume, a real estate developer who had pitched briefly for the Giants in the 1920's. The committee would first pursue getting one of the existing teams to move to New York.

On January 31, 1958, the Mayor had another announcement. The Board of Estimate, the city agency with final power over land use had agreed "in principle" to the City's building a municipal stadium on City-owned property. The Board, however, would not authorize actual construction until the National League committed itself to locating a team in New York. Although several sites were under consideration, the leading candidate was Flushing Meadows, an undeveloped park area in the northern part of the Borough of Queens. The Board believed that the new municipal stadium could be ready for the 1960 baseball season. Mayor Wagner stated that if a team wished to relocate in New York before 1960, Ebbets Field could serve as an interim home. He did not mention the Polo Grounds in that regard. National League president Warren Giles responded that no team was then planning on moving to New York.

The baseball season of 1958 was a trial for the City. Instead of hosting its accustomed 231 games, New York was the site of only 77 regular-season games, all at Yankee Stadium. The San Francisco Giants and Los Angeles Dodgers both held leases on their old fields and kept an office presence in New York. Edgar Feeley, the treasurer and general counsel for the Giants, maintained offices in midtown on West 42nd Street and uptown in the Polo Grounds. Matt Burns remained in New York as local representative of the Dodgers, maintaining an office on Clinton Street in downtown Brooklyn.

Both teams subleased their parks for sporadic use that summer. The first commercial use of the Polo Grounds was on April 27, 1958, when the American Committee for Israel rented the place for a celebration of the tenth anniversary of the birth of the nation of Israel. Ebbets Field had its first influx of paying customers on May 30, 1958, when a stunt car show began its three-day Memorial Day weekend run. The too old stadium hosted an odd assortment of events during that summer of 1958 in the absence of their baseball tenants.

In June, Yankee co-owner Dan Topping stated that in the summer of 1957, he had offered Horace Stoneham a two-year lease for the Giants to share Yankee Stadium. Stoneham denied that the talks were ever serious. Topping also stated that he was still willing to let a National League team share Yankee Stadium on "reasonable terms." The Yankees themselves were tenants in Yankee Stadium under a long-term lease, having sold the property in 1953 in a complex transaction that wound up with the Knights of Columbus owning the park. Topping frankly admitted his preference for bringing a National League team into Yankee Stadium over the prospect of a new municipal stadium which would hurt Yankee attendance. He also took the opportunity to ask the City to find more parking in the neighborhood of the Stadium.

N.L. TEAM OWNERS

On July 8, 1958, Mayor Wagner and Bill Shea met with N.L. president Giles and the N.L. team owners in Baltimore during the All-Star break. They told them of plans for a 52,000 seat municipal stadium in Flushing Meadows. The league moguls responded by appointing a committee to study the topic of expansion. No concrete plans for expansion were revealed.

On November 14, 1958, the City issued a challenge. The baseball committee held a press conference at Toots Shor's restaurant. Bill Shea stated his conviction that the National League had no genuine intention of expanding. He announced the committee's intention to organize a third major league, which would include growing cities who were clamoring for big league ball. The new league would preferably be part of the Organized Baseball system, but it would exist independently if need be.

At the winter meetings in Washington in early December, Warren Giles stated the National League owners would not now vote to expand. New York had no immediate prospect of a National League team even if the City built the new stadium and even if strong financial ownership was in place. Thus, as 1958 drew to a close, New York had no National League team. The new municipal stadium was but a plan, and the Polo Grounds and Ebbets Field stood idle except for occasional small-time affairs. New York still had one pro football team, the Giants, happily in residence at Yankee Stadium. The City had not yet begun

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the process of taking the Polo Grounds and building new public housing on the site, although talks was in the air.

In the summer of 1959, the Giants and Dodgers continued to sublet their old homes for occasional events. The Polo Grounds was used most frequently for midget auto racing, with an asphalt track laid down around the playing field. Ebbets Field was home principally to a series of soccer matches. The Yankees, of course, continued at Yankee Stadium.

On July 27, 1959, Bill Shea presided at a press conference. He announced the formation of the Continental League, a third major league for baseball. Speaking as chairman of the founders' group, Shea announced that the new league expected to begin play in 1961 with at least eight teams. Five teams were definitely in place. Minneapolis-St. Paul was backed by Wheelock Whitney; Denver by Bob Howsam; Toronto by Jack Kent Cooke, the owner of the Maple Leafs; Houston by Craig Cullinan; and New York by Joan Payson. Other interested cities were Buffalo, Atlanta, New Orleans, Miami, Indianapolis, Dallas-Ft. Worth, San Diego, Portland, Seattle, and San Juan. The founders hoped that the league would operate as part of Organized Baseball. They scheduled a meeting with Commissioner Ford Fricks for August 18. The New York team planned to play in the new municipal stadium in Flushing Meadows. Shea stated that "if the new stadium is not ready by the 1961 season we could play at Ebbets Field or at the Polo Grounds." Shea discounted the possibility of sharing Yankee Stadium. Shortly afterwards, the Continental League hired famous baseball executive Branch Rickey as its president. Later that summer, on August 14, another group of sportsmen announced the formation of the American Football League. The absence of concrete NFL expansion plans motivated the birth of the new league. The AFL planned to field eight teams in 1960, just one year away. Six teams were in place: New York, Minneapolis-St. Paul, Houston, Dallas, Denver, and Los Angeles. Backing the New York franchise was Harry Wisner, a prominent radio sportscaster. On September 12, Wisner announced that he had leased the Polo Grounds from the baseball Giants as home field for his team for 1960 and 1961. He stated his plan to play all seven home games on Saturday afternoon. Giants' attorney Edgar Feeley stated his hope that the Giants could keep the asphalt auto race track in place around the field. He also stated that the Giants might seek to extend their Polo Grounds lease with the Coogans beyond the expiration date of April 30, 1962.

On October 23, 1959, the Board of Estimate moved one step closer to building the municipal stadium. The Board approved an expenditure of \$170,000 for engineering plans for the Flushing stadium. Before any dirt would be turned, however, a definite tenant would have to be in line. The Continental League team would need to put flesh on its bones before the new stadium would be built.

With the stadium plans moving ahead, the City finally took steps to replace the Polo Grounds with badly-needed public housing. On October 30, 1959, the New York City Housing Authority finally applied to the City Planning Commission for approval of plans for a federally-aided housing project on the Polo Grounds site.

The NYCHA was the agency in charge of public housing, while the Planning Commission had authority in the field of land use regulation. The plans called for the City to take the Polo Grounds via condemnation.

On December 9, 1959, the Planning Commission held a public hearing at City Hall on NYCHA's application. Three witnesses spoke at the hearing. The first was Jay Coogan:

Yes; I would like to speak in opposition. I am the owner of the Polo Grounds. My name is Jay Coogan, representing the Polo Grounds, so I am talking from an owner's point of view.

The City Planning Commission vehemently opposed such construction way back in 1945. Apparently, they have reversed themselves and now they are planning city construction of apartments for purposes of slum clearance under Title I, I believe. I don't know how it comes under Title I, unless in clearing up one other slum clearance project they built a few years ago -- and they built it under Title I.

Well, I just want to say that I am opposed to it, and I want to draw attention to the fact that the plan which is now in effect until 1961 -- and I have always understood it and everybody else understood it, architects, engineers and everybody else -- that it wasn't to be reversed. It is now planned to be reversed.

Now, due to that I have gone to great expense, engineering, architectural and other plans as a matter of fact, we could bring the land under very high taxation for the benefit of the City -- so I oppose this on those grounds.

Well, as you know, we are not testifying in condemnation right now but you know that There are three express tracks of the subway that go to 157th Street and 8th Avenue, and two locals, and they connect up with all the subways in the Bronx and Westchester, New York Central Railroad, New Haven, across the River. I intended to make it one of the finest sports centers in the world. I have had all my plans drawn up by Higgins & Higgins. It has all been engineered. I intended to continue it as a great sports center with An eleven-story garage next door to the Polo Grounds, with openings on the Harlem River Drive, openings on to the viaduct. I was assured by those who pass on that sort of thing – I mean the Park Commissioners, Assistant Park Commissioners, that they would aid me in every way they could to carry this out.

I have nothing more to say. Thank you.

Coogan opposed the City's plan to take the property for housing by citing his elaborate plans to continue the Polo Grounds as a major sports stadium. His words were probably aimed at supporting a high price should the City take over the property. The plan might have had some kind of chance if the National League had wanted to put a team back in New York and the City had decided not to build the municipal stadium, a very unlikely scenario.

The second witness was Edgar Feeley of the Giants:

My name is Edgar P. Feeley, the Giants' Treasurer and also the attorney for the ball club.

We at this time oppose the taking of the Polo Grounds for many reasons, particularly, what Mr. Coogan has stated. The estimated cost of this improvement would be thirty million dollars. We are now leasing for the Polo Grounds; we have signed up yesterday the American League Football Club; we have also signed up with the International Soccer League. There was a great howl when we went to California, when we left New York City. We now have a chance to bring back to New York City a large gathering of people who left great sums of money in the City.

Mayor Wagner did all he could to keep us here but we decided to go on account of parking facilities. Mr. Coogan has now explained and will explain to us later, that he intends to build this eight-story garage. I don't know whether or not it is good business to keep from New York City that great crowd of people that expect to come here to see these various games. Not only do we have the American League Football Club signed up as of yesterday -- we have circuses coming in. With all this notoriety about the Polo Grounds being taken to clean up slums, to change slum districts, there is no slums in the Polo Grounds unless, as one man said, "to get rid of the Giants".

We have done pretty good out in California, but I still say you are not cleaning out any slums in the Polo grounds. That is the reason why we oppose your taking it now. Thank you.

Feeley's opposition to the plan, as agent for the Giants, can also be viewed as a tactic to support a high valuation of the property in the event the City should take it.

The final witness was Gerald J. Carey, general manager of the New York City Housing Authority. He explained the Housing Authority's plans:

One of the greatest problems of providing housing in New York City, particularly in Manhattan, is the relocation of families in a great many areas in Manhattan, and there is practically no vacant land in Manhattan.

Since the Giants saw fit to leave New York City, and they left voluntarily, the Polo Grounds have been put to very limited use. It is used for stock car racing, a few religious revivals, but it has not been a sports center. Before we went into this we checked, and there apparently were no concrete plans for the use of the Polo Grounds. Suddenly,

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when this was announced as a proposed housing site, the Coogans for the first time began to come up with grandiose plans for the use of the Polo Grounds. It is absolutely essential that we provide housing for the people who are going to be displaced from our slum areas which are being cleared.

The Housing Act of 1949, as enacted by Congress, provided that vacant land could be used for the purpose of relocation. If this project is advanced it would provide homes for 1700 families without displacing one person in the act of providing these homes. Thank you.

After Carey's testimony, the hearing was closed.

On the next day, December 10, 1959, the federal government gave the Housing Authority tentative site approval of the project, the first step towards getting a federal loan. On December 23, 1959, the City Planning Commission approved the plan for the Polo Grounds housing project. The next day, the Housing Authority submitted its plan to the Board of Estimate, which had the final say on land use decisions. The board thus had before it plans both for the Polo Grounds and for the new municipal stadium.

On the last day of 1959, there was a changing of the guard at Ebbets Field. At about noon, in an arranged photo opportunity, on the sidewalks in front of the ballpark, Dodger representative Matt Burns handed over the keys of Ebbets Field to a vice-president of the Kratter organization, which owned the place. When the Dodgers sold the ballpark in early 1957, they had taken back a three-year lease and an option to renew for two more years. The three years had now run, and the Dodgers did not exercise their option to renew. Marvin Kratter, a graduate of Brooklyn College, would not reveal his plans for the property. It was, however, commonly believed that Kratter would raze the ballpark and build an apartment complex on the site.

RAZE

Kratter indeed had plans for the apartment complex. On February 23, 1960, the demolition of Ebbets Field began. About 200 spectators came into the ballpark for ceremonies. Among those present were Roy Campanella, Carl Ershine, Ralph Branca, and Otto Miller, who caught for the Dodgers when the field opened in 1913. After a brass band played Auld Lang Syne, the wrecker's ball, painted white with stitches like a baseball, smashed into a dugout. By June, Ebbets Field was gone. On September 29, 1960, there was a ground breaking ceremony on that site for the Ebbets Field Apartments.

On April 28, 1960, the Board of Estimate informally approved the new stadium in Flushing Meadow. It would have 55,000 seats and cost \$15 million. Plans called for the stadium's opening in April of 1962, although actual construction was still waiting for the Continental League baseball team to show signs of becoming a reality. The new team was expected to take residence after spending its inaugural 1961 season in the Polo Grounds. The Board delayed any action on the Housing Authority's plans for the Polo Grounds. Ebbets Field obviously was no longer an option as a temporary home.

The Continental League team would never play. The municipal stadium would nevertheless be built. Bill Shea announced a blockbuster on August 2, 1960. The National and American Leagues had voted to expand to ten teams each in 1961 or 1962. With its backers now intent on obtaining these four expansion franchises, the Continental League had decided to disband. New York was generally considered a shoe-in for one of the National League franchises. Toronto, Minneapolis-St. Paul, and Houston were the leading contenders for the other three new franchises. The Continental League's abrupt demise caused cynics to view it as a mere ploy by New York to force a return by the National League, to be discarded once that goal was within New York's reach.

With the baseball expansion franchises still unissued, the American Football League swung into action in September of 1960. For the first time since 1955, the Polo Grounds was home to a pro football team. The New York Titans drew sparse crowds to their seven home games. The auto tracks had been dug up and removed. Soccer teams had played there on weekends throughout the summer, and Floyd Patterson had regained the heavyweight boxing championship on June 20 by knocking out Ingemar Johansson before 31,892 paid customers in the old ballpark. Harry Wismer, the owner of the Titans, later described his team's move into the Polo Grounds:

From our clean, sunny, New Hampshire camp we were scheduled to make our league debut in the shabby, desolate Polo Grounds, which had been deteriorating steadily since the New York baseball Giants moved to San Francisco for the 1958 season. A soccer league had played on the "pitch," but that merely aggravated conditions for football. The stands and seats were encrusted with grime. There was not enough parking space to matter. The neighborhood was not good. In brief, this was the worst possible place to attract paying customers.

Wisner claimed that he spent \$15,000 restoring the field to "decent shape." While the Titans struggled in the Polo Grounds, the football Giants prospered just a short walk away in Yankee Stadium.

On October 17, 1960, the National League granted expansion franchises to New York and Houston. Both teams went to Continental League owners, Joan Payson of New York and Craig Cullinan of Houston. The new teams would begin play in 1962. The only remaining hurdle for the municipal stadium in Flushing Meadows was the signing of a lease with the new team. It was speculated that the City required an annual rent of about \$900,000, which dwarfed the approximately \$74,000 annual rent paid by the baseball Giants to the Coogans under their 1932 lease. Bill Shea optimistically stated that the new stadium would be ready six weeks into the 1962 baseball season. Until then, he said, the new team could rent the Polo Grounds or share Yankee Stadium. The definite granting of a National League franchise to New York ensured that the municipal stadium would be built. That, in turn, doomed any plans that the Coogan family had to revive the Polo Grounds as a sports arena. The Polo Grounds had a short-term future as a ballpark, but no long-term future except as a housing project.

Thus, as 1960 ended, the New York sports scene had irrevocably changed. Ebbets Field had been demolished. A new National League baseball team was scheduled to begin play in 1962. The City was ready to start construction of a new stadium at Flushing Meadows, waiting only for the signing of a lease with the new team and for authorizing legislation by the State Legislature. The Board of Estimate had not yet acted on the Housing Authority's 1959 application to take the Polo Grounds site for public housing, perhaps waiting to see what would develop with the new team and the new stadium. The Polo Grounds remained in the control of the baseball Giants. The New York Titans had brought pro football back to the Polo Grounds, although they brought few fans into the weary ballpark. When the new baseball team made its debut in 1962, it would open in either Yankee Stadium or the Polo Grounds.

In 1961, events affected the new baseball team, the new stadium, and the old stadium. On March 17, the State Legislature passed a law authorizing the City to go ahead with the new stadium. On June 2, however, the New York Times reported that construction had still not begun because the lawyers for the City and for the Mets (who were so christened on May 8) were still going carefully over the long and complex lease document. The Times stated that the new stadium was unlikely to be ready for the start of the 1962 season. The Times further stated that the Yankees did not now want to share Yankee Stadium with the Mets. As the Times put it, "that leaves the Polo Grounds." The haggling over the lease of the new stadium would last all summer.

On July 27, 1961, the Board of Estimate acted on the Housing Authority's plan to take the Polo Grounds in condemnation as a site for public housing. The delay in building the new stadium and the imminent arrival of the Mets were a strong undertow in a proceeding which nominally was only about housing. The Board held a public hearing that day at which three witnesses appeared: Jay Coogan, Edgar Feeley of the Giants, and Donald Schatz, an attorney for the New York City Housing Authority. As is usual, a deputy of the Mayor presided over the hearing.

Jay Coogan spoke first and immediately posed three questions. He wanted to know how much of the Polo Grounds property did the Housing Authority plan on taking in the condemnation. He followed that question with a more philosophical query:

Secondly, I would like to know why the City of New York is better able to condemn and put up public housing than private enterprise is. I've had all kinds of approaches from private enterprise.

I can do it myself; I've had Eggers & Higgins with one of the most extensive improvements that you could possibly have.

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Why is the City of New York the ones that are best suited to improve my land? They feel they've discovered something like Little America; they feel they're Little Christopher Columbuses or something, and they're going right ahead.

Coogan's third question was whether the Housing authority was taking the property only for housing or whether it had some other unstated purpose in mind. Coogan presumably was referring to the need of the Mets for a 1962 home.

Before Mr. Schatz could respond on behalf of the Housing Authority, a member of the Board asked Coogan if there were any private proposals to build on the site.

Coogan answered:

No, sir, there is no proposition under way, but there could be a dozen under way if we could negotiate it.

But in the first place, I couldn't negotiate because there's a lease on the place which doesn't run out until April.

Now, I can't negotiate something that's leased to somebody else, but I have a half a dozen or a dozen, all in writing, which I could put before this Board, private enterprises that want to develop there.

I've also had my own private enterprise. If you read the Herald, Times, the building newspapers, you will see the whole thing; one of the latest ones that Eggers & Higgins did for me.

Coogan was referring to the lease held by the San Francisco Giants, which ran through April of 1962.

Mr. Schatz answered the three question posed by Mr. Coogan. First, the Housing Authority planned on taking the entire Polo Grounds property, both stadium and parking lot. Second, the Housing Authority knew of no proposals for private development of the property. Third, the Housing Authority was taking the property solely to build a housing project, with an attendant school and playground.

On rebuttal, Mr. Coogan claimed that a private housing developer had approached him. He went on, at length, about whether the City had an ulterior motive in taking the property. In response to questioning by Board members, Mr. Schatz replied that technical preparation would take about one year, after which demolition and construction could begin.

The final witness before the Board was Edgar Feeley of the Giants, who still held the lease on their New York ballpark almost four years after moving to San Francisco. Mr. Feeley addressed the interests of the Giants in the remaining nine months of their lease. He began his presentation with a nostalgic, but inaccurate, reference.

I'm the New York Giants treasurer. I'm the attorney, and we now play ball, as you know, in San Francisco, where I just got back from.

We have taken into the Polo Grounds, your Honors, several tenants who are now functioning there. We have the International Soccer, we next have the football, the Titans. After that we have the Gotham Bowl coming in, and I'm now negotiating for a fight.

Now, if you're going to come right in there and take this out, I don't care to talk with these people and have them go to expenses, publication, that they're going to have these events if they're not going to be permitted to play.

He then addressed the coming of the Mets in 1962.

But now, your Honors, the Flushing Meadow field is not going to be ready, we all know that, for 1962. We have now been approached by that club to play in the Polo Grounds.

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Now, if I can discuss further matters with them, all right. But Mr. Coogan, of course, he'll be the arch principal in it. But we would be along with him, no doubt, because we have to supply them with baseball players and everything else and advice

Feeley was exaggerating the Giants' ties to the newborn Mets, who would get players from all the National League teams and who did not need the advice of the Giants. All the Mets might possibly need from the Giants would be to sublet the Polo Grounds from them for April of 1962, the last month of the Giants' lease.

Mr. Feeley inquired whether the Titans would be able to finish their 1961 schedule at the Polo Grounds. The consensus of the Board members was that the condemnation and construction processes were sufficiently slow-moving as to guarantee the Titans their field for the rest of the year.

Mr. Coogan then stated that "I would like the Board of Estimate to tell me that there's no other ulterior motive in condemning those eight square blocks outside of putting up housing." This resulted in a colloquy involving Mr. Schatz, Mr. Coogan, and two members of the Board:

The Deputy Comptroller: I want to ask a question: Isn't there some part of this proposal, the idea of giving, having this taken at this time so that there would be a place for the new ball team to play?

Mr. Schatz: I understand that there has been some sort of a proposal made to that extent.

The Deputy Comptroller: Well, speak up and tell it to the Board. There's no use having it up here as if it's a mystery or secret.

Mr. Schatz: The information which I have, Mr. Cohen, is you might say second-hand.

The Deputy Comptroller: Well, you represent the City Housing Authority; you ought to know.

Mr. Schatz: Yes, that's correct.

Well, I was in conversation --

The Deputy Mayor: I know, but I say if the stadium is there, if the Polo Grounds remain standing, I think this is the point we're getting at, you have heard, you say you heard it second-hand -- I don't know which hand it was in -- but you heard that the new baseball team apparently will also play in there; is that what you heard?

Mr. Schatz: That's correct, sir.

The Deputy Mayor: Well, if the Polo Grounds are standing, they might very well, I guess; I don't know. I say this is something I'm not familiar with.

Mr. Coogan: Well, they might just as well, but suppose I didn't want it. I mean, suppose it's illegal.

The Deputy Mayor: If you don't own the property, then you haven't got much to say about who plays there, do you?

Mr. Coogan: If--I'm under the opinion that I could get an injunction against their playing there if they in any way condemned illegally, and it would be illegal to condemn for a merry-go-round or a ball park. Can't I?

The Deputy Mayor: That's something the courts would have to determine.

Mr. Coogan: Well, I mean--

The Deputy Comptroller: You had in mind something of that sort when you were talking about an illegal condemnation; isn't that what you thought, that they had in mind that they're using the ball park--

Mr. Coogan: I mean, in other words, I don't think that even the City of New York has a right to take one fellow's land for the benefit of another fellow, and the law says it's illegal. And, therefore, I think the whole thing can all be settled if the Board of Estimate here would say they would not approve of anything except the condemnation for a housing project.

The Deputy Mayor: Including, Mr. Feeley, letting him--how about his football team? Keep them out, too?

Mr. Coogan: Well, you'd say you'd let them play.

The Deputy Mayor: I don't want to let them do anything. You're saying that we shouldn't let them do anything with it--

Mr. Coogan: Before the expiration of their lease, they're in control; I'm not. I would have built up there long ago if they hadn't had that lease.

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I made that lease with Old Man Stoneham, a good many years ago, and I've been waiting for it to expire.

The Deputy Comptroller: He couldn't wait. (Laughter.)

Mr. Coogan: And now when I get a little benefit out of it, I mean, the City is going to grab it all.

Coogan's threat to go the court to prevent the City from leasing the Polo Grounds temporarily to the Mets never materialized into a legal proceeding.

When all the witnesses had been heard, the Board took an immediate vote. All eight members approved a resolution which authorized the City to take the Polo Grounds in condemnation on behalf of the Housing Authority.

The legal process of condemnation would take about six weeks. Even before that period expired, the City and the Mets began negotiating a lease of the Polo Grounds for 1962. On September 7, 1961, with all the legal requirements fulfilled, title to the Polo Grounds passed to the City of New York. The Coogan family and the San Francisco Giants would now have to be paid the value of their interests in the property. A new lawsuit would determine that records of that lawsuit are the basis of this article. The trial would require extensive preparation and would not begin until 1964.