

# City May Appeal Landmark Decision

By ROBERTA B. GRATZ and JACK COWLEY

City landmarks officials, stunned at least temporarily by a State Court of Appeals decision invalidating the landmark status of the historic J. P. Morgan mansion, said they will begin studying today a possible appeal to the U. S. Supreme Court.

Although the state's highest court overruled a specific landmark designation without overturning the constitutionality of the city landmarks law, the decision was expected to have an intimidating effect on future landmarks designations here.

"The time has come to take a landmarks case to the Supreme Court. The climate is right," said Beverly Moss Spatt, chairman of the Landmarks Preservation Commission, who indicated that the Morgan ruling might be only one of several potential test cases.

Referring to the city's 1965 landmarks law under which her commission operates, Miss Spatt said: "I think the decision jeopardizes the whole legislation. We will now have to operate on a case by case basis."

The court voted 5-to-2 yesterday to deny landmark designation in cases such as that of the Morgan house, whose owner, the Lutheran Church of America, argued that maintaining the building because it was a landmark would cause severe economic hardship.

Judge Dominick Gabrielli, who wrote the majority opinion, said that the commis-

sion's attempt to require the church "to retain its property as is, without any sort of relief or adequate compensation, is nothing short of naked taking."

The Lutheran Church had announced its intention to demolish the Morgan mansion and build a 19-story office tower on the site, at Madison Avenue and 37th Street.

However, the mansion appears to be in no immediate danger of being torn down.

In 1966, the city Planning Commission denied an application by the church to rezone the property for commercial use in the residential Murray Hill area. And because of its recent emphasis on neighborhood preservation, observers feel that the commission is even less likely now than eight years ago to approve the zoning change.

Although yesterday's ruling did not explore fully the question of constitutionality raised by the landmarks law, a decision awaited in another state Supreme Court case

may soon resolve the issue.

In a lawsuit challenging the landmark designation of Grand Central Terminal, the Penn Central Railroad and a developer have sought permission to erect a 56-story office tower above the station.

Although in most areas of the city landmark designation enhances the value of a property, in commercial midtown areas the designation, which prohibits demol-

tion, is outweighed by rapidly increasing real estate values.

Both the Morgan house and Grand Central cases thus raise the issue of compensation to owners of valuable properties which are landmarks.

Following the loss of the Morgan case, Miss Spatt said that each case before her commission must now be handled on its own merits.

LEGAL NOTICE

## Strikes Erupt in S. Africa As Blacks Demand Pay Hike

JOHANNESBURG — More than 2000 black workers came out on strike yesterday to demand more pay in five separate actions across South Africa.

According to early 1973 figures, the national average monthly income is \$716.40 for whites and \$64.8 for blacks.

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