



Local News

Friends appealing Harbor Shores decision

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BENTON HARBOR - Friends of Jean Klock Park is appealing the decision a Berrien County Trial Court judge made Aug. 22 in dismissing the environmental group's lawsuit against Benton Harbor and Harbor Shores.

The plaintiffs' attorney Scott Howard filed a brief Nov. 26 with the Michigan Court of Appeals in Grand Rapids, a news release said. Howard notified the court Aug. 29 of the intent to appeal.

Howard argues in the appeal, as he did in court in August, that Benton Harbor is violating the conditions of the Klock family deed and a 2004 court settlement forbidding private development in the park.

The Benton Harbor City Commission voted in June to lease 22 acres of the 73-acre park to Harbor Shores Community Redevelopment to build three holes of a Jack Nicklaus Signature Golf Course.

Jean Klock Park is Benton Harbor's only park on Lake Michigan.

The high-end golf course will be open to the public but operated by Harbor Shores - a private, nonprofit consortium of the Alliance for World-Class Communities, Cornerstone Alliance and Whirlpool Foundation. The course is the centerpiece of the Harbor Shores residential and resort development planned to cover 530 acres in Benton Harbor, Benton Township and St. Joseph.

When Judge Scott Schofield dismissed the suit in August, he explained that a public golf course qualifies as the type of public recreational use for which John and Carrie Klock donated the lakefront property in 1917.

The deed from the Klocks reads that Jean Klock Park "shall forever be used by said City of Benton Harbor for bathing beach, park purposes or other public purpose; and at all times shall be open for the use and benefit of the public"

Howard argued in August that Benton Harbor is effectively losing its use of the land for the next 105 years, and most members of the public are losing access to it.

Wendy Dant Chesser, a Harbor Shores trustee and president of Cornerstone Alliance, said developers have not yet responded to the appeal. They just learned of it Monday.

"This is part of the legal process that the plaintiffs are afforded, and we are looking forward to getting all the concerns out in a court so the judge can make an informed decision," Chesser said. "Because the facts of the case have not changed, we are confident that Judge Schofield's decision from August will be upheld."

Carol Drake, a Sodus Township resident and executive vice president of Friends of Jean Klock Park, said three judges will be randomly chosen to consider the appeal. She said she expects a decision to

take up to a year, depending on how many other cases are on the docket.

Harbor Shores construction in Jean Klock Park began Sept. 22. Crews have stopped work for the winter, but Chesser said the appeal is not expected to cause any delay when work resumes in the spring.

Friends of Jean Klock Park is one of two park preservation groups that have taken legal action against Harbor Shores' plan. The other group, Protect Jean Klock Park, filed a federal lawsuit in August, alleging that Benton Harbor, the Michigan Department of Natural Resources and the National Park Service violated environmental rules in approving the park lease.

No decision has been made in that case.

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