



## Import

### Opponents threaten legal fight

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BENTON HARBOR — A lease between the city of Benton Harbor and Harbor Shores Community Redevelopment Inc. to put three golf course holes in Jean Klock Park was approved Monday, but not without controversy. Mayor Wilce Cooke and Commissioner Juanita Henry voted against the agreement, and a group known as Friends of Jean Klock Park is threatening legal action to keep the golf course out of the park. Cooke and Henry said they don't oppose the development, but they wanted more time to review documents connected with the agreement. Cooke said he wanted to wait for comment from the city's lawyer. Henry said she read the documents but was unable to attend a committee meeting last Wednesday where the matter was discussed because her husband had major surgery. They wanted the matter pulled from the agenda until next week. Voting for the agreement were Eddie Marshall, Harold Hampton, Rahim Abdullah, Ralph Crenshaw, Ricky Hill, Ruthie Haralson and Glenn Yarbrough. Crenshaw and Yarbrough said the city has waited long enough to move forward, and Hill called the proposed development "a win-win for everybody." Marshall said he spent hours with a member of the development team getting his own questions answered. The golf holes are part of a Jack Nicklaus Signature golf course that would be the centerpiece of a \$500 million development, Harbor Shores. Harbor Shores is a proposed 530-acre housing and recreation development that would include houses and retail and commercial space, two hotels, an indoor water park and the golf course. The development would straddle the Paw Paw River, with most of it being in Benton Harbor, some in St. Joseph and a small part in Benton Township. In the agreement approved Monday, the city will allow the use of 22 acres in Jean Klock Park, specifically the two existing parking lot areas, for development of the golf holes. New parking areas will be developed, as well as a new access road to the park. In exchange for use of the 22 acres, Harbor Shores will deed 39 acres with an estimated value of \$1.35 million to the city to use as park land. Harbor Shores will pay \$30,000 to the city's general fund by June 30, 2007, and another \$30,000 plus a 1 percent increase every year thereafter for 35 years. The lease is renewable when the 35 years are up. The Friends of Jean Klock Park say that when the Klock family gave the 90-acre park land to the city nearly a century ago, it was with the understanding that it would forever remain a public beach and park. The group sued in 2003 to block Benton Harbor's planned sale of some of the park for house construction. A settlement allowed the sale of 3.8 acres along Grand Boulevard for the construction of 27 houses. But the Friends say the pact was supposed to permanently protect the remainder of the park along Lake Michigan from further development. The agreement, signed in January 2004, calls for the city to "maintain the rest of the park for public outdoor recreational use in perpetuity." Harbor Shores developers have said they are confident a golf course qualifies as public recreational use. Opponents insist the course could be developed without tapping into Jean Klock Park. During the portion of Monday's meeting devoted to citizens' comments, Scott Elliott of Benton Harbor read a letter from Scott Howard, a lawyer with the firm of Olson, Bzdok and Howard of Traverse City. In the letter, addressed to the mayor and commissioners with copies to the clients, Howard said he represents Friends of Jean Klock Park and believes strongly that the lease voted on Monday is prohibited by both the deed restriction and the consent judgment. The letter said if the city enters into the lease, the group will challenge the agreement in court. Mark Mitchell, president and CEO of the Alliance for World-Class Communities, an organization involved in planning Harbor Shores, has said the development team is confident the project will not violate the court order. As part of the lease approved Monday, Harbor Shores will pay for road improvements to East Klock and West Klock roads

and Graham Avenue. In a phone interview prior to Monday's meeting, Mitchell said those improvements would connect the various park lands that make up the 39 acres Harbor Shores will deed to the city. The parcels are scattered within the development area, he said. Harbor Shores will build and pay for about \$1 million in improvements to the existing Jean Klock Park and about \$500,000 in improvements to the 39 acres, Mitchell said. Improvements at the existing park will include road upgrades, new parking lots, playground equipment, trails and basketball and volleyball courts. On the land deeded to the city by Harbor Shores, improvements would include a boat launch, bike trails and walking paths, and possible shuttle service to the beach. Also, profits generated by the golf course will be used to fund the city of Benton Harbor's Community Benefits Plan related to Harbor Shores. Mitchell said the plan is expected to include things like literacy, education and work force development, housing, small business development and various community ventures. In addition, the agreement states that Benton Harbor city residents shall make up one-fourth of the work force hired for maintenance and repairs to the expanded Jean Klock Park, and Harbor Shores agrees to a goal of hiring 10 percent of all construction workers for the golf course from the city. Before casting her "no" vote, Henry said the hiring goals were not good enough, based on the magnitude of the development and the number of city residents who need jobs. City Manager Dwight "Pete" Mitchell thanked the City Commission for its support of the development. He encouraged commissioners to continue gathering comments from their constituents about what citizens would like to see included in a Community Benefits Plan for Benton Harbor.

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