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## Golf developers prevail in Benton Harbor park battle

By [Eartha Jane Melzer](#) 8/24/08 1:47 PM

Berrien County circuit court Judge Scott Shofield ruled on Friday that Benton Harbor may lease 22 acres of Jean Klock Park for use as part of an elite Jack Nicklaus Signature golf course despite a 2004 legal settlement in which it pledged to retain the park for public use forever.

A citizens group, the Friends of Jean Klock Park, had sought an injunction against developers who have obtained all required permits and are prepared to begin construction in the park.

WNDU [reports](#) that after two hours of discussion Judge Schofield said:

“The people of Benton Harbor, as limited by the plain language of the deed in the judgment, decide what kind of park to use, passive or active, historic or brand new, is appropriate for their park. A golf course is a park purpose.”

Jean Klock Park was deeded to the city of Benton Harbor in 1917 by the Klock family in memory of a daughter who died in infancy. The deed reads in part, “It’s not so much a gift from my wife or myself, it is a gift from a child. See to it that it is the children’s park.”

In a separate legal action in federal court, a group called Protect Jean Klock Park is suing the state Department of Natural Resources and the National Park Service for failing to follow environmental regulations in approving the golf project.