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**Fight to Save Jean Klock Park Continues
Michigan Supreme Court to Hear Oral Arguments**

(Benton Harbor, Michigan) In response to an application for a leave to appeal, the State of Michigan Supreme Court has decided to hear the case of Carol Drake and Clellen Bury –vs– City of Benton Harbor and Harbor Shore Community Redevelopment Inc. Supplemental briefs have been filed by the parties and reviewed by the court. Oral arguments are being scheduled for the Court’s case call in January.

The Court has directed the parties to address in oral argument whether the City of Benton Harbor may lease a portion of Jean Klock Park to Harbor Shores Community Redevelopment Inc. to develop 3 holes of a proposed 18-hole championship Jack Nicklaus golf course, without violating: (1) the restriction set forth in the 1917 deed; or (2) the January 27, 2004 consent judgment in an earlier lawsuit between the plaintiffs and the City relating to the City’s sale of a portion of Jean Klock Park to Grand Boulevard Renaissance, LLC, for the construction of a residential development.

In a letter presenting the gift of Jean Klock Park (JKP) to the Mayor and 1917 Common Council of the City of Benton Harbor, John Klock made it clear that it was he and his wife Carrie’s intention that the park be a memorial to their deceased child Jean and a playground; *“to minister to the pleasure of children in this and coming generations,”* and moreover, that it would; *“always be preserved in its natural state.”* *“People who make a gift, who leave a legacy like the Klocks, should know that their legacy will be protected in the future”*, said Scott Howard, attorney for the Plaintiffs/Appellants.

Clellen Bury, a Benton Harbor City resident and plaintiff in the Michigan Supreme Court appeal is adamant that the leasing of 22+ acres of JKP for a golf course is a violation of the Klock deed. *“The park was dedicated for the children. The City is the steward of JKP and is obligated to protect it in good faith “for the children”, as the children are the beneficiaries of the Klock gift, not the private interests that support three holes of a Jack Nicklaus championship golf course in JKP’s public park.”*

Carol Drake, along with Mr. Bury, was a plaintiff in the 2003 lawsuit to stop the Grand Boulevard residential development in JKP. Together they co-founded the nonprofit organization [‘Friends of Jean Klock Park’](#). Ms. Drake has reiterated for nearly 6 years that there should never have been any discussion whatsoever about a golf course development in JKP. *“As a plaintiff in the 2004 consent judgment that allowed 4 acres of JKP to be sold for a privately owned residential development, in exchange for permanent protections of the park, I am maintaining my position. We [the plaintiffs] had*

a legal agreement with the City of Benton Harbor that future private development would be prohibited in JKP and that the remainder of the park would be kept in as natural of state as possible. It is unthinkable that we would back down after agreeing to a consent judgment that was intended to protect the remainder of the park from privately owned and/or commercial development.”

In addition to the supplemental brief filed by the Plaintiffs, two amicus curiae briefs were filed in support of Plaintiffs-Appellants [application for leave to appeal](#), one by the [Great Lakes Environmental Law Center](#), the [Saugatuck Dunes Coastal Alliance](#), [Defense of Place](#), [Preserve the Dunes](#), and the [West Michigan Environmental Action Council](#). A second brief was filed by The Friends of Michigan Parks.

For more information please visit the Friends of Jean Klock Park's website at:
www.savejeanklockpark.org

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