



## Local News

### A 3-hole punch?

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The ninth hole at The Golf Club at Harbor Shores is one of three holes located in Jean Klock Park. The Michigan Supreme Court has decided to hear an appeal of two local residents who opposed the use of the Benton Harbor city park for the golf course. Their suit against Harbor Shores had been dismissed by a lower court. John Madill / H-P staff

### ***Plaintiffs take third and final jab at 3 holes of The Golf Club at Harbor Shores as Michigan Supreme Court agrees to hear appeal***

**By KATE GENELLIE - H-P Staff Writer**

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**BENTON HARBOR** - The Michigan Supreme Court will hear an appeal from two local residents in their lawsuit against Harbor Shores, the last step in an effort to get three holes of the 18-hole golf course out of Benton Harbor's Jean Klock Park.

Lawyers for both sides of the suit, Carol Drake and Clellen Bury vs. Benton Harbor and Harbor Shores Community Redevelopment Inc., will argue in January whether the city may continue to lease a portion of the park to Harbor Shores for the three holes. At issue is whether the lease violates a restriction in a 1917 deed or a judgment from a 2004 lawsuit between Drake and Bury

and Benton Harbor relating to the city's sale of part of the park for residential development.

There are many ways the court could rule on the case, said Wendy Dant Chesser, president of Cornerstone Alliance and a representative for Harbor Shores.

Drake and Bury's lawyer, Scott Howard, said that on one extreme the court could throw out their case altogether.

On the other hand, "it may be the court orders the park be restored," Howard said. "That land would go back to being a park and not a golf course."

The plaintiffs lost in trial court and a court of appeals, Howard said. "At the end of the day, the (Supreme) court is deciding whether the other courts were right.

"For this particular case, this is the final stop," Howard said.

The fundamental issue is John Klock's deed donating the park, named after his daughter, to the city, Howard said. The intent was for the Lake Michigan park to be held by the city for public use. Drake and Bury argue that leasing about 22 acres of it to a nongovernmental, private entity, which charges a minimum of \$75 per round of golf, does not count as public.

Chesser disagrees. Private golf courses are membership-based, but the Harbor Shores course is open to everyone.

"All of us are considered equals going into that," Chesser said.

Chesser said that while Harbor Shores doesn't have a plan for every possibility the court may come up with, she conceded that if Harbor Shores were forced to rip up three of its golf course holes - changing the course from an 18-hole championship Jack Nicklaus golf course to a 15-hole course - it would cause a "ripple effect."

To begin with, the city would lose Harbor Shores' lease payment, Chesser said. The city would also have to pay to maintain Jean Klock Park, something Harbor Shores takes care of now.

The 2004 settlement agreement allowed the sale of 4 acres along Grand Boulevard for residential development. In exchange, the rest of the then 90-acre park was to be permanently protected from further development, Drake said in a press release. The plaintiffs had an agreement that "the remainder of the park would be kept in as natural a state as possible."

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