

# The Herald-Palladium

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**Jean Klock Park: City still has time to change its mind on selling off a portion**

There is still time for Benton Harbor city commissioners to backtrack on their decision to sell off a portion of Jean Klock Park for development.

The city was handed a big setback Wednesday with the decision by Berrien Trial Court Judge John Fields to issue a temporary injunction preventing the city from moving forward with its plans while the matter winds through the court system. A lawsuit was filed earlier this year by seven people who live near in Benton Harbor or near the park. They want to stop the city from contracting with a developer to build upscale homes along the northern border of the Lake Michigan park.

We are glad to see the ruling by Fields. The city received the land in good faith nearly a century ago, with the stipulation from donors (and agreement from the city) that the park would forever be used for public purposes. In issuing his ruling, Fields cited the 1917 city commission resolution accepting the land.

A commission majority has argued that by selling off a small portion of the park for development, it can raise money for park maintenance and to pump up ailing city coffers.

The city has rebuffed suggestions that this is short-sighted thinking, given that once the land is sold it will forever be lost to the public. But city leaders should not be so quick to dismiss Fields' interpretation of the law in this matter.

Fields' ruling indicates that the city is in for a protracted and possibly uphill legal battle to develop the 3.8 acres in question. All the while the legal bills will mount to fight for an outcome that is anything but certain. A trial date will be set in August, though due to Fields' pending retirement, a different judge will hear the case.

The other option is to simply drop plans to sell off the land. Now is the time to do so, before any more taxpayer money is spent.

(An opinion of The Herald-Palladium editorial board)

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