



## News

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### Group readies fight over Klock Park plans

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BENTON HARBOR -- A group of Berrien County residents known as Friends of Jean Klock Park say when they look at plans for the Harbor Shores development, it's deja vu all over again.

The group plans to vigorously fight the part of the development that's planned for Jean Klock Park, saying the city of Benton Harbor will violate a court order if planners proceed. Supporters of the plan say that's not true.

Preliminary plans for the Harbor Shores development show three holes of an 18-hole upscale golf course positioned in Jean Klock Park. Other plans for the park include a boardwalk with overlook, beach volleyball nets, a sculpture, a picnic/event area with seating for 1,000 people, a new bath house and restaurant, a children's play area, a picnic shelter, a garden gazebo, a four-court basketball complex, a historical garden and an area for native plants to enhance wildlife habitat.

Opponents of the plan say when the Klock family gave the park land to the city nearly a century ago, it was with the understanding that it would forever remain a public beach and park. They say the Harbor Shores development can be successful without tapping into Jean Klock Park, and that with all the new houses planned, there would be plenty of people who would use the park as it is.

"I don't care how beautiful this plan is. If they take this park piece by piece ... this plan threatens 80 percent of the park. It's lost to us," said Carol Drake of Sodus.

But the development team working on the planning phase of Harbor Shores (previously called River Run) say their plans would revitalize Jean Klock Park and transform it from an empty beach to a place people would come from miles away to visit.

Harbor Shores is a proposed 500-acre housing and recreation development straddling the Paw Paw River. Promoters say it has the potential to add \$125 million to the community's tax base, primarily for financially strapped Benton Harbor.

It would be built over the next 10-15 years on property along the St. Joseph and Paw Paw rivers in Benton Harbor and a small portion of St. Joseph, on land owned by the cities of Benton Harbor and St. Joseph, Benton Township, and Whirlpool.

Drake was a plaintiff in a lawsuit filed in 2003 to block Benton Harbor's planned sale of nearly 4 acres of Jean Klock Park for construction of houses. Friends of Jean Klock Park say the city intended to eventually take about 80 acres for residential development.

A settlement agreement allowed the sale of 3.8 acres along Grand Boulevard for the construction of 27 houses, but the pact was supposed to permanently protect the remainder of the 90-acre park along Lake Michigan from further development, Drake said. The agreement, signed in January 2004, called for the city to "maintain the rest of the park for public outdoor recreational use in perpetuity."

Drake said when she was a little girl in Benton Harbor, she rode her bike to Jean Klock Park every day, and still uses the park at least three times a week. She said the Harbor Shores development would threaten the park.

The 90-acre tract that is Jean Klock Park was given to the city of Benton Harbor in 1917. It was a gift from John Nellis Klock and Carrie Klock, and is named for their daughter, Jean, who died in infancy.

When the city council (now city commission) accepted the gift, the council resolved the land would be "forever dedicated for bathing beach park purposes and other public purpose."

The court order permanently bars the city from selling or using the property for any purpose other than a bathing beach, park or other public purpose. But before the ink was dry on the settlement, plans already were underway for the next development, Drake said.

The Friends of Jean Klock Park say the proposed Harbor Shores development would violate the court order because the plan contains things, such as part of a Jack Nicklaus signature golf course, that would not be used by the general public. They say not everyone golfs, and many people who do would not be able to afford the greens fees.

"No one wants to stop the city of Benton Harbor from benefiting from a tax base, but not in Jean Klock Park," Drake said. "That's where I stand."

Mark Mitchell, president and CEO of the Alliance for World-Class Communities, a group involved in planning Harbor Shores, said the development team is confident the project will not violate the court order.

Mitchell said a drawing commissioned by the development team is far from the final plan. He said the developers have been presenting the preliminary design to various community groups, and have amended the plan after almost every presentation because of ideas from the communities.

Ronald Taylor, a retired Berrien County judge who testified in the court case on behalf of Friends of Jean Klock Park, agreed.

"That is far from the final version," he said of the drawing. "I'm convinced that's not going to be the final version at all."

At least that's his hope.

Taylor said he's meeting with the developers in an attempt to hammer out a compromise that's acceptable to both parties.

Taylor said the Friends of Jean Klock Park hopes to avoid taking the matter back to court because it is expensive and has uncertain results.

Taylor said he's not specifically opposed to a golf course development.

"My concern is about anything that impacts Jean Klock Park, and I think it's important we have some voice. As far as the project itself, community-wide, it certainly would be a worthwhile addition to the community."

But Taylor said in his opinion, the proposal as currently outlined is too intrusive.

"In looking at the drawing, the amount of land devoted to the golf course as against the total amount available is a very high percentage. It looks to me to be 75 percent or more. In my view, that's intrusive," Taylor said.

"Ultimately the matter could end up back in court if we cannot come to some kind of agreement. As a practical matter, you have isolated 75 percent of the park from the public for whom it was intended. That's simply unacceptable."

Mitchell said the development team does not believe the proposal is in conflict with the court order.

He said the proposed elements of the plan on the Jean Klock Park property fall under the category of recreation and all would be open to the public. He said officials from the cities of St. Joseph and Benton Harbor and Benton Township, Whirlpool, the CWCC and Berrien County who've been meeting to discuss the plan have no desire to ruin Jean Klock Park.

"We all agree Jean Klock Park is a diamond in the rough and has significant potential to be a jewel," he said.

As it is, very few people use the park. Mitchell said on a recent sunny, 95-degree day, there were four cars in the parking lot and six people on the beach. In contrast, there were an estimated 500 people at Silver Beach in St. Joseph, he said. He said when the Klock family donated the park to Benton Harbor, they wanted people to go there, and they'd want that today.

"We want Jean Klock Park to be just as beautiful, used and adored as Silver Beach. We didn't just say let's stick three golf holes out there. We said how do we build a re-use plan together? Look at what this could be."

Mitchell said the development team is confident the plan falls within the restrictions in the court order and, based on state law, fits the definition of a park. He said it's not true Benton Harbor plans to sell Jean Klock Park. He said the city would retain ownership, and lease portions of the park to developers.

The city of Benton Harbor has approved the planning process, and the development team is in dialogue with St. Joseph and Benton Township, he said. The feasibility study is being paid for by Whirlpool.

Mitchell said once the group develops a plan that is acceptable to all the municipalities, the planners will consult with the Department of Natural Resources and Department of Environmental Quality to help keep the natural essence of the park intact. He said the most current plan does not cut into any dunes.

"Our plan is not to disturb the dunes. We're going to present this plan multiple times, and this is not in any way, shape or form a done deal," he said.

The Edgewater Improvement Association is one of the groups that's been visited by the development team. President Bob Ehrenberg said the neighborhood group has not taken a position either way.

"We're not a controversial group that takes positions. There are individuals in our neighborhood who embrace the plan fully, and others who have concerns. Everything that was shown to us showed no development of the beach front property.

"There was, as far as I could tell, some golf course holes on Jean Klock Park. If it's going to be a public golf course, it seems to be in keeping with the Jean Klock Park public purpose."

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