



Import

Harbor Shores can't wait; work in park to start soon

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Published: Thursday, September 4, 2008 3:00 AM EDT

BENTON HARBOR — Harbor Shores developers announced Wednesday they cannot afford to wait any longer to begin work in Jean Klock Park if they are going to meet their goal of opening a Jack Nicklaus Signature Golf Course next summer. They further said they are filing to intervene in a federal lawsuit brought by seven Benton Harbor-area residents against the city, Michigan Department of Natural Resources and National Park Service for allegedly violating environmental regulations in the process of approving Harbor Shores' plan to build three golf holes in Benton Harbor's only park on Lake Michigan. Wendy Dant Chesser, president and CEO of Cornerstone Alliance and a Harbor Shores trustee, said she expects construction to begin in Jean Klock Park in the next week to 10 days. Construction is under way on the other 15 holes of the golf course outside the park. Harbor Shores has an agreement with Benton Harbor to lease 22 acres of the 73-acre park to build three holes that will provide golfers with views of Lake Michigan. Grass for the golf course needs to be seeded before the fall frost date, which is usually in mid-October, if the course is going to be ready by next summer, developers said. And construction crews have already pushed back their starting date as Benton Harbor and Harbor Shores waited to resolve a civil suit in Berrien County Trial Court. The suit, which included a motion for injunction against construction in the park, was dismissed by Judge Scott Schofield on Aug. 22. The two plaintiffs are appealing his decision. "There's no way they (construction crews) can find more time," said Marcus Robinson, president and CEO of Citizens of Progressive Change and a Harbor Shores trustee. "They have to get going now." The federal suit does not include a request for injunction against construction in the park. However, Harbor Shores would have to return the park to its former condition if it loses the lawsuit after construction has begun. Robinson said the construction schedule is very important because of Harbor Shores' size and mixed-use design. The development stretches across 530 acres in Benton Harbor, Benton Township and St. Joseph. The centerpiece is the Jack Nicklaus-designed golf course, which is expected to attract more than \$400 million in total development, including hotels, marinas and hundreds of houses. "We really have to keep on track with this project," Robinson said. "If one piece doesn't come online, it delays all the other pieces." If the motion to intervene in the federal lawsuit is granted by the court, Chesser said it will allow Harbor Shores developers to tell the court their side of the story. Terry Lodge, a Toledo attorney representing the plaintiffs, said Harbor Shores' motion does not change the case much. "I feel that Harbor Shores will be more than adequately represented because they are paying for 100 percent of Benton Harbor's legal expenses," he said. The Benton Harbor City Commission voted unanimously Tuesday to hire the law firm Miller, Canfield, Paddock and Stone. Attorneys from the firm's Kalamazoo office represented the city in the civil case. Harbor Shores hired Washington, D.C., law firm Bracewell and Giuliani to represent them. Developers will also retain the services of Dickinson Wright, which represented them in the civil case. "The gloves are off on this one," Chesser said. "We believe their complaint mischaracterizes our development." Lodge added that it seems strange that Harbor Shores is spending so much money defending their position if they believe the lawsuit has no merit. Chesser said developers hope the motion to intervene sends the message to potential investors that Harbor Shores developers "are serious about it. We're going to make it happen." Robinson said the overwhelming majority of local citizens support Harbor Shores. More than 400 people sent letters to Benton Harbor during a 45-day public comment period last spring, and more than 80 percent of those were written in support of Harbor Shores and its presence in Jean Klock Park. "We've been involved in every way with naysayers and supporters," Robinson said,

adding that public comment has improved the project. "It's unfortunate that a small number of people can divert attention from something positive," Chesser said. Lodge rebutted the characterization that opposition to Harbor Shores has come from a small minority. He said more people would stand up to oppose the conversion of Jean Klock Park into a golf course, but they are afraid of being demonized by Harbor Shores supporters. "There are a lot of people who are intimidated into silence in these types of controversies," Lodge said. He said the golf course will permanently damage the park's sand dunes, but that impact has not been fully disclosed to the public. He said the Benton Harbor area "could have two jewels on Lake Michigan" if the course were built next to, rather than in, Jean Klock Park. "The public needs to understand they have been misled at many different steps during the way," Lodge said. Harbor Shores is a nonprofit consortium of three organizations — Alliance for World-Class Communities, Cornerstone Alliance and Whirlpool Foundation — so any profits realized from the development need to be reinvested in the community. Goals of a community benefits program include improving literacy, the rate of home ownership and job opportunities in Benton Harbor. Chesser said Harbor Shores has had to divert funds from community benefits to pay court costs and legal fees for the two lawsuits. Contact Kevin Allen at kallen@TheH-P.com.

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