

Order

Michigan Supreme Court
Lansing, Michigan

September 15, 2010

Marilyn Kelly,
Chief Justice

140685

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

CAROL DRAKE and CLELLEN BURY,
Plaintiffs-Appellants,

v

SC: 140685
COA: 287502
Berrien CC: 2008-000247-CE

CITY OF BENTON HARBOR and HARBOR
SHORES COMMUNITY REDEVELOPMENT
CORPORATION,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the January 21, 2010 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the City of Benton Harbor may lease a portion of Jean Klock Park to Harbor Shores Community Redevelopment Corporation 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. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.

The Michigan Municipal League and the Michigan Recreation and Park Association are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0908

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 15, 2010

Corbin R. Davis

Clerk