

January 18, 2011 5:39PM

Harbor Shores case to be heard on Friday

State Supreme Court is final shot for Harbor Shores opponents.

TOM MOOR

Tribune Staff Writer

A group seeking the removal of three holes from the Golf Club at Harbor Shores will be in court on Friday making what is likely their final case.

Traverse City, Mich.-based attorney Scott Howard confirmed this week that oral arguments in the case of Carol Drake and Clellen Bury v. the city of Benton Harbor and Harbor Shores Community Redevelopment Inc. will be heard by the Michigan Supreme Court on Friday. Court convenes at 9:30 a.m.

Leave to appeal was granted last month to determine whether the leasing of 22 acres of Jean Klock Park to Harbor Shores for three holes of a privately owned Jack Nicklaus championship golf course violates the 1917 Klock deed and a 2004 consent judgment injunction against further privatization or conversion of the park.

The plaintiffs are hoping the third time will be the charm after already suffering losses in the Berrien County Circuit Court and later in the Michigan Appeals Court.

"I think we feel that we have a really strong case," Howard said. "And we feel no disrespect to the lower court, but they got it wrong. We're very hopeful the Supreme Court will see it that way as well."

Wendy Dant Chesser, a Harbor Shores trustee and president of Cornerstone Alliance, said since Harbor Shore's inception the group has been about community transformation and job growth.

"We look forward to the court reviewing the facts about this case," she said.

Howard said the Supreme Court will have a guaranteed self-imposed deadline of July 31 in which to issue an order or an opinion, although the decision could likely come before that.

But Friday will be the only day the sides will have a chance to pitch their cases. Howard will speak on behalf of the plaintiffs, while the city of Benton Harbor and Harbor Shores will have representatives speaking on their behalves. Chesser said each side has been given 15 minutes to state their case.

Howard said his plaintiffs' case is over if they do not succeed at the Michigan Supreme Court level.

All 18 holes of the course were opened for play this past summer. In August, Nicklaus, Tom Watson, Johnny Miller and Arnold Palmer christened the course at its grand opening by playing a round of golf together.

About the same time, it was announced the Senior PGA Championship will be coming to the course in 2012 and 2014.

Howard last month said: "If the court rules in our favor and says this has to be a park and it needs to be turned back into a park, it could result in digging everything back up," he said. "By the end of the day, it could go back to being a public park."

Staff writer Tom Moor:
tmoor@sbtinfo.com
574-235-6234

<http://www.southbendtribune.com/article/20110118/News01/110119546/1130>