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Grand Rapids Township to consider proposed settlement over disputed Bonnell Park access

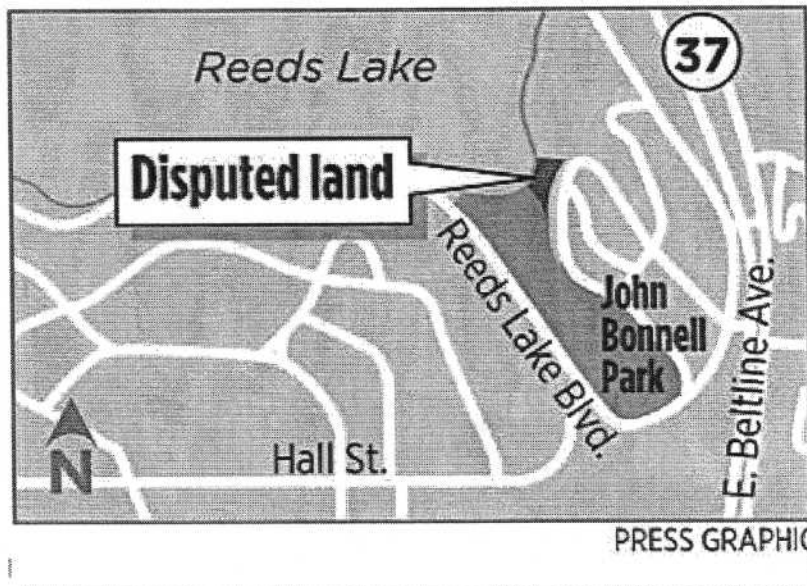
Published: Friday, December 17, 2010, 9:36 PM Updated: Friday, December 17, 2010, 9:40 PM



By **Erin Albanese** | The Grand Rapids Press

GRAND RAPIDS TOWNSHIP — The Township Board is scheduled to look at a possible solution to a dispute over access to Bonnell Park.

The Woodcliff Park Association has used Bonnell Park, 3591 Reeds Lake Blvd. SE, as a neighborhood park for years. But last summer, a group called Friends of Reeds Lake filed suit against the association, maintaining that the land is public and that people are being run off it by neighborhood residents. The association uses a parking lot, marina, kayak stations, a fire pit, picnic tables and a swing set in the park. An entryway is locked and gated, and a "no trespassing" sign is posted in the park, part of 20 acres donated in 1911.



PRESS GRAPHIC

Under an agreement proposed by the association and the board, paid membership would be open to 25 nonresidents of the neighborhood. The agreement would also formalize the association's use of the land, making it responsible for maintenance and liability.

The association would pay \$4,000 for each year through 2015 and \$1,100 annually after that, according to the proposal. The agreement would have to be renewed after five years.

The association's lawyer, William Bowie, did not return calls for comment.

The board is scheduled to consider the agreement at 7 p.m. Tuesday at Township Hall, 1836 East Beltline Ave. SE.

The nonneighborhood memberships would be limited to 25 because the park is small and has limited parking, said Supervisor Michael DeVries.

They also would come at a price: The nonneighborhood membership for a person or family living in the township would be five times the annual \$50 association membership fee. People who live outside the township would pay up to 10 times the fee.

A document from 1911 indicates that Bonnell donated the land to an entity called Grand Rapids Boulevard Association for the benefit of the public. Township ownership happened "kind of by default" in 1945, when the association dissolved, said DeVries.

He said the 20 acres are environmentally sensitive wetlands and can't be opened up as a large public park. For years, the Woodcliff association's use of the park wasn't called into question.

"I think the township has always assumed that there had been an arrangement for the Woodcliff Park Association to use it," DeVries said.

Michael Dantuma, the attorney representing Friends of Reeds Lake, said the group is reviewing information and he wouldn't comment on whether the agreement would end the dispute. But he said the township's ownership is the main factor.

"It is the township's property," he said. "I don't think that we have rights that are greater than the township's — it's their property."

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Everything Michigan

Township opening private 'park' for limited public use

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By Jan Holst | Advance Newspapers

In response to a lawsuit in which they weren't named, Grand Rapids Township is poised to sign an agreement with the Woodcliff Park Association opening a small park on the north shore of Reeds Lake to the public.

The Friends of Reeds Lake, a group who have not identified themselves, filed suit on Sept. 8 against the association trying to force them to open up a parcel of land within the John H. Bonnell Park. The association has maintained the parcel as a private park for their members.

The nearly half-acre "beach" and dock area is on Grand Rapids Township land. "We always knew we owned the land," said Supervisor Michael DeVries, "and we assumed the association had some kind of agreement from Bonnell to use that piece."

While not named in the suit, the township consulted attorneys to find out if the association had exclusive rights to the land and, if not, to find a way to open it to the public, while protecting the area," said DeVries. "Woodcliff has not been able to demonstrate exclusive use of the land," he said.

Opening the parcel to anyone who might want lake access was not practical due to environmental sensitivities, the lack of public restrooms, narrow streets, and limited parking, he said.

The township then pursued a use agreement with the association, similar to use agreements for other public land. The agreement was expected to be signed by the GR Township Board Tuesday, Dec. 21. It calls for non-neighborhood memberships, but limits the amount that may be issued. "The Woodcliff Park Association has been excellent stewards of that piece of property," said DeVries, "but it is public property and we need to make sure it accessible to the entire public but on a very limited basis."

If the board accepts the terms of the agreement, it will go into effect, but meanwhile the lawsuit is pending. A request for dismissal scheduled for Dec. 3 was canceled, due to ongoing negotiations with the two parties. Michael Dantuma, the attorney representing Friends of Reeds Lake, said he did not want to comment on the use agreement until he consulted with his clients.

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GR Township signs agreement for Reeds Lake access

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By Jan Holst | Advance Newspapers

Despite nearly 50 township residents begging them to reject or at least delay a decision, the Grand Rapids Township Board last night approved a five-year agreement with the Woodcliff Park Association concerning a small park with Reeds Lake access.

The 0.7-acre parcel has been maintained by neighbors from the Woodcliff area for at least six decades, and most people, including the association members, assumed the group had private rights to the park, which has been fenced off and locked with access to members only.

The land actually belongs to Grand Rapids Township, which researched the association's use rights after a group calling themselves Friends of Reeds Lake filed suit against the association seeking to have the park made open to the public.

Finding no formal agreement in existence, the township looked at options for the land, including permanently closing it, opening it to everyone, and finding a way to limit its use.

They opted for the later, citing lack of infrastructure, such as public restrooms and parking, as well as the environmentally sensitivity of the wetlands in the area. They presented the association with a use agreement that calls for opening the area to 25 non-association members for a fee. The association agreed to the terms last week, and the board approved signing the agreement last night.

But residents argued the deal was made behind closed doors; there was no reason to act so quickly without giving all residents notice; the agreement favored a small number of township residents; and the land should be available to all without cost.

Township officials called the decision difficult, but maintained it was a good temporary solution that allowed the association, which had been maintaining the land for years, to continue to do so while the township maintained ownership and options for future use.

The board voted 6 to 1 to approve, with outgoing trustee Jim Saalfeld voting no.

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Neighborhood association's lease of Grand Rapids Township park irks residents

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By **Erin Albanese** | The Grand Rapids Press

GRAND RAPIDS TOWNSHIP — The Woodcliff Park Association may continue exclusive use of a township-owned public park along Reeds Lake, but must allow access to 25 non-members who will be charged up to \$500 per family annually.

"Regardless of if they squatted on that property, they have been good stewards," said Supervisor Michael DeVries before the Township Board approved the five-year lease agreement 6-1 Tuesday with the association for use of John H. Bonnell Park, 3591 Reeds Lake Blvd.

While several residents said the deal is wrong, board members said it's a good compromise.

The association, made up of 50 properties, will pay \$4,000 per year through 2015 and \$1,100 thereafter if the agreement is renewed, contingent upon board approval of rules and regulations.

The neighborhood group has used and maintained the park for many years and has built a parking lot, marina, kayak stations, a fire pit, picnic tables, a swing set and a No Trespassing sign. An entry way is locked and gated.

A document from 1911 indicates John Bonnell donated the land to an entity called Grand Rapids Boulevard Association for the benefit of the public. It was turned over to the township in 1945 when the association dissolved.

Trustee James Saalfield, who voted against the agreement, said he wanted specific rules and regulations in the lease.

DeVries said the township isn't in a position to develop or maintain the environmentally sensitive park, and the agreement puts all management and liability on the association.

Trustee Chris Afendoulis said he liked the idea of a short-term agreement because it's financially prudent while the township doesn't want to invest in the property.

"If you took care of something in your family for 80 years, you would think it was yours, too," he said. "They thought they had, legitimately or not, a right to use that property."

Last summer, an anonymous group called Friends of Reeds Lake filed suit against the association, maintaining the land is public and they were being run off it by neighbors. Lawyer Michael Dantuma said the group is dropping the lawsuit, though they believe the agreement "is deplorable."

DeVries said the township always assumed the neighborhood had an agreement to use the park, but decided to formalize it after consulting attorneys when a deed or right of occupancy could not be found.

About 25 people attended the meeting, though none identified themselves as Friends of Reeds Lake members. Several spoke against the agreement.

Resident Lou Roossien said the township is continuing to let the neighborhood association steal the park.

"It's really just completely excluding the township," he said. "The Woodcliff Park Association kept it a huge secret for years."

No one from the neighborhood association spoke publicly, though member Kevin Cook said he was happy with the outcome.

"I'm glad we were able to compromise and come to a final agreement with the township," he said.

Non-neighborhood memberships will be limited to 25. A non-neighborhood membership for a person or family living in the township would pay five times the annual \$50 Woodcliff Park Association membership fee. Non-township residents would pay up to 10 times the fee.

Grand Rapids Township resident Randall Bytwerk said he sees the agreement as benefiting nobody except the association.

"There will be the illusion of public access, but very few people will pay (for use as non-members)," he said. "It is a good deal for members of the association and a bad deal for everyone else."

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Township agreement on Reeds Lake 'park' meets opposition

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By Jan Holst | Advance Newspapers

When Grand Rapids Township officials agreed to a five-year agreement with the Woodcliff Park Association maintenance and use of a small parcel of land with Reeds Lake access, they met angry opposition from another group of residents.

Most of the dozen or so people who made public comments last week argued for complete public access to the 0.7-acre parcel, which has been maintained by the association for decades.

Saying he recognized the association members had huge emotional and financial interest in the outcome, East Grand Rapids resident Randy Allaben told the board, "They have been trespassing on township property for years, and it is an incredible valuable piece of property."

Township officials not only disagree about the parcel's value, they maintain that it is not feasible to open it as a public park.

"Frankly in 1911, when John Bonnell gave away the land, he likely did so because it was not build-able and a swamp," said GR Township Supervisor Michael DeVries, who said the township was given the property in 1945. "The township never had a park there and there was never public access. This agreement is what is most reasonable for all the people in the township."

A lawsuit filed against the association calling for opening the "park" to the public pushed the township into looking at ownership. When they discovered the WPA owned a small parcel of land, but did not have legal rights to exclusive use of the parcel located on township land, they sought legal advice. They considered options ranging from closing the area to everyone to opening it to the public. They concluded the area was too small to support the infrastructure needed to make it accessible to the general public.

"To create a park would be nice," said Trustee Chris Afendoulis, "but it is really too small and we don't have unlimited resources to do that. I like the idea of this short-term agreement, which allows the WPA members who has been using it for 80 some years to continue to do so. This is reasonable based on the amount of people the area will support."

"It is a temporary arrangement and we still own the land," said Trustee Ed Robinette.

Neighbors who live near the parcel were unhappy that they didn't know the property belonged to the township. One resident said that he has walked by it dozens and dozens of times assuming it was private and another said the homeowners across the peninsula have always had to allow the public to fish off "their backyards."

Some argued that the agreement was negotiated behind closed doors and the township was trying to push it through on a holiday week without notifying the rest of the township residents.

Township officials said there were no negotiations, but rather once they realized the WPA did not have an agreement to use the property, they presented the association with an agreement that would force them to open membership to non neighbors. Because of the size of the property and environmental sensitivity of the wetlands, the agreement limits the extra memberships to 25 and allows the WPA to charge fees to offset liability and maintenance costs.

"Establishing a temporary agreement to maintain the property in the way it has been maintained for year seems prudent at this time but it doesn't mean everyone will like it," said Afendoulis, who noted that public comment at the board meeting was unusually one-sided. "I don't know why the WPA members are not here or are remaining quiet," he said. "Some of them weren't happy and some were even advocating for adverse possession."

The use agreement approved by the WPA members a week earlier passed the GR Township Board by a vote of 6 to 1 last week. Trustee Jim Saalfeld, who resigned the same night to take his newly elected seat on the Kent County Board of Commissioners, cast the lone no vote, saying he was uncomfortable with a provision in the agreement calling for board-approved rules for WPA membership that were not yet established.

Township officials called the decision difficult, but maintained it was a good solution allowing for maintenance of the land, additional users while retaining ownership, and options for future township use.

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