

## OAKLAND DIGEST

Oakland Digest provides a summary of headline stories from around the county during the week leading up to April 5.

## BIRMINGHAM

Resident receives award: Birmingham resident Margaret Taylor Smith was named the 1998 AFHENA Award recipient for her legacy as a professional volunteer. The award honors both men and women leaders who act as role models to encourage others, especially women, to achieve leadership potential.

## CLARKSTON

Student heads to academy: Clarkston High School senior David Trollman, 17, was appointed to the United States Air Force Academy in Colorado, becoming the first Clarkston student to receive the honor. He will be one of 1,250 cadets when he heads to basic training June 30.

## FARMINGTON

Students support humanity: On Monday, April 13, seven students from Mercy High School in Farmington Hills will head down to Lee County, Kentucky, where they will spend their spring vacation helping build a home for a poor family through Habitat for Humanity International.

## LAKE ORION

Water rates increase: The Orion Township Board approved raising water rates by 13.2 percent, or \$1.45 per 1,000 cubic feet. Effective July 1, residents will pay \$14.28 instead of \$12.83.

## OXFORD

Parents propose nature trail: The Clear Lake Elementary School Parent-Teacher Organization proposed a plan to the Oxford Board of Education that

would feature a nature walk with common Michigan plants and a butterfly garden at the school. The organization plans to sell T-shirts, designed by students, to defray costs. The T-shirts, at \$10 each, will be available through the school.

## ROCHESTER HILLS

Museum hosts display: Macomb Township artist Mary Keithan will exhibit her photography at the Rochester Hills Museum on Van Hoesen Road. Entitled "Barns Across Michigan," the exhibit features more than 300 black and white photographs of barns and will be displayed through Sept. 25.

## SOUTHFIELD

School board deadline nears: Residents living in the Southfield Township District interested in running for two open school board seats have until 5 p.m. Monday, April 6, to file their nominating petitions.

## TROY

Benefit supports charities: About 475 persons attended the Troy Rotary's sixth annual Pot O' Gold benefit at the San Marino Club. An auction, seven-course meal and casino games raised more than \$40,000 in support of various Troy charities.

## WEST BLOOMFIELD

Vet dubbed "lifesaver": Thanks to Joseph Watkins, veterinarian and owner of West Bloomfield Veterinary Hospital in Kego Harbor, Sags, a 6-year-old Chesapeake Bay Retriever owned by Nancy Hunger, is a happy and healthy dog. Watkins saved the dog's life — free of charge — after a specialist refused to treat him for a severe case of bloat.

## Court says DNR doesn't owe in land case

By TIM RICHARD  
STAFF WRITER

In a case that drew national attention, the Michigan Supreme Court ruled the state's wetlands protection law didn't entirely "take" an Oakland County developer's land without just compensation.

The high court overturned, on a 6-0 vote, lower court decisions saying the Department of Natural Resources owed K&K Construction \$6.9 million for refusing wetlands permits.

It wasn't an outright victory for DNR. The Supreme Court shipped the nine-year-old dispute back to Court of Claims Judge William E. Collette in Ingham County for more findings. It told Collette to determine which parts of the 82-acres in Waterford Township were affected before ruling there had been a "taking."

But in a key legal finding, the Supreme Court said:

"While the commercial value of the land may have been reduced by the restrictions placed on it by the (wetlands act), it was not rendered worthless or economically idle."

In a footnote it added: "... (The Court of Appeals conclusion that a categorical taking had occurred is not supported by the record."

## Taylor reversed

That Court of Appeals decision had been supported by Clifford Taylor, then a member of that bench and since last September a Supreme Court justice by appointment from Gov. John Engler. Taylor must seek reelection this November to keep that seat. His Court of Appeals decision is likely to be a political issue.

As a Supreme Court justice, Taylor did not take part in court hearings, deliberations or voting on the K&K vs. DNR case. The bipartisan Supreme Court opinion was written by Justice Michael Cavanagh and signed by Patricia Boyle, James H. Brickley, Conrad Mallett Jr., Marilyn Kelly and Elizabeth Weaver.

The U.S. Environmental Protection Agency had provided an "amicus" brief on behalf of the

state. So did the Michigan Municipal League and Michigan Townships Association.

On the other side were the Pacific Legal Foundation and Michigan Peat Inc.

Also heard were three Audubon Societies, Michigan United Conservation Clubs, National Wildlife Federation, League of Women Voters of Michigan, Sierra Club, and 11 environmental groups.

## Restaurant planned

K&K is part of a group of companies owned by the family of Joseph F. Kosik. They own 82 acres in four parcels along the south side of M-59 between North Oakland Boulevard and Airport Road in Waterford Township.

K&K attorney Robert Bunting argued that only the commercially-zoned parcel of 55 acres should be counted, and DNR's declaration that 28 acres are wetlands makes the property worthless for borrowing purposes. Besides, it's not wet, he said.

The Supreme Court sided

with DNR. It told trial judge Collette to use a larger "denominator" (more of the 82 acres) in determining whether the entire parcel was taken.

The U.S. Constitution's 5th amendment, best known for protecting people from testifying against themselves, also requires that government compensate owners when it takes their property. When an owner is entirely deprived of all the property's value by government action, it's also a "taking," court decision say.

In the Kosik case, there are different ownership patterns in three adjacent parcels totaling 27 acres to the south of the commercial property. Kosik and his wife bought the land in 1986. The 55-acre commercial frontage is in a limited partnership called JFK owned by Kosik's five children.

K&K Construction has a contract with JFK to build a restaurant and sports complex on it; K&K is a corporation owned by Kosik and one son. They filed for a DNR permit in June of 1998 and were denied.

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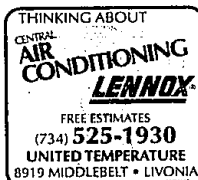
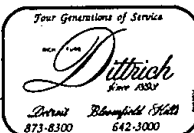


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