



(AERIAL PHOTO FROM 2001 - COURTESY OF WMU LANDSCAPE SERVICES, 2007)

Asylum Lake Preserve
Declaration of Conservation Restrictions
Approved by WMU Board of Trustees on April 16, 2004

Summary of three goals (or "Conservation Purposes") from the Conservation Restriction, adopted by the WMU Asylum Lake Focus Committee (disbanded in 2004), and implemented by the WMU Asylum Lake Preserve - Policy and Management Council:

1. **Promote Ecosystem Integrity and Natural Aesthetics**: Includes addressing the Asylum Lake watershed for its protection and for improving water quality. Restoration of the oak savannah and prairie lands. Maintaining the preserve as a green space and wildlife habitat.
2. **Ensure Passive Recreation**: Where the activities on the Preserve will create opportunities for a high degree of interaction with the natural environment, such as hiking, wildlife viewing, cross country skiing, and running. This provision would not allow competitive sports or mechanized recreation activities on the property.
3. **Support Research and Education**: This ensures that the Preserve remains a site for field studies, research, and community outreach.

Summary of Use Restrictions outlined by the Conservation Restriction document:

- Prohibits buildings on the property, other than small (WMU) maintenance buildings, no telecommunication towers, no paved roads or paths, no above-ground substations or transformers.
- No alteration of the topography other than for restorative or maintenance purposes; no filling or dredging.
- No boats or floatation devices on the lake, no motorized vehicles, no bikes.
- No fires on the property.
- No organized sporting activities.
- No artificial lighting.

Summary of permitted activities reserved for Western Michigan University, outlined by the Conservation Restriction document:

- Construct and maintain trails, walkways, and parking lots – all of which will be unpaved, but attempts will be made to accommodate individuals with disabilities.
- Improve trail access including bridges, viewing platforms, fencing, directional or information signs.
- Tree trimming or shrub removal to facilitate permitted activities or improve safety.
- Allow for utilities to be installed underground.
- Conduct periodic prairie burning when necessary for proper prairie management.
- Access the Preserve with motor vehicles for maintenance purposes only.
- Implement plans to control water pollution in both lakes to ultimately improve the quality of Asylum Lake and the West Portage Creek watershed.

The Asylum Lake property was transferred by the Legislature from the Department of Mental Health to Western Michigan University in 1975 by Public Act 316 with the following restriction:

"The conveyance shall provide that western Michigan university may utilize the property solely for public park, recreation, or open space purposes, except that the legislature, by statute, may authorize western Michigan university to utilize the property for some other public purpose."

Asylum Lake Preserve and Colony Farm Orchard
(Western Michigan University)

A Legislative and Decision Making Timeline
for the Former Kalamazoo State Hospital Properties

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The 274-acre Asylum Lake Preserve (City of Kalamazoo), through 1975 Public Act 316 amended by 1976 Public Act 272, and 54-acre Colony Farm Orchard (Oshtemo Township), through 1977 Public Act 158, are under the jurisdiction of Western Michigan University. The conveyances for both properties contain provisions for governing the use of the land. The remaining 265 acres of former State Hospital farmland lie south of Parkview Avenue. This property was transferred to WMU by the State of Michigan in 1959 through Public Act 269 (and authorized in 1999 to be developed as the WMU Business, Technology, and Research Park). Although numerous pieces of legislation or proposals have been introduced for these three former State Hospital properties at Drake Road and Parkview Avenue, the following selective timeline lists the important events that have affected the current status of the Asylum Lake Preserve and the Colony Farm Orchard, north of Parkview Avenue.

The Colony Farm unit of the Kalamazoo State Hospital (KSH), formerly Michigan Asylum for the Insane, began in 1888 and included a "Cottage" system to house up to 350 patients. Many residents were capable of farming and household upkeep. North of Parkview Avenue, and east of today's Drake Road (formerly Colony Road and 12th Street), were four residential cottages and the 47-acre Asylum Lake (formerly Lorins Lake and McMartin Lake), with the 10-acre Little Asylum Lake located east of the buildings. The Hindes (also spelled: "Hind's" or "Heindes") farmhouse, Pratt Cottage, and other agricultural facilities were located on the Orchard property west of Drake Road, in Oshtemo Township. KSH managed a broad agricultural operation at this site, consisting of extensive farming, Holstein cows for milking, a chicken hatchery, and a piggery. Total land mass of the Colony Farm unit at its peak operation (by the late-1940s), including property south of Parkview Avenue, amounted to approximately 795.4 acres. With other farms, orchards, and gardens located throughout the Kalamazoo region, including Brook Farm, the Home Farm (vegetable gardens), and the Winchell Farm (orchard), the State Hospital remained mostly self-sufficient with food provisions. The 1955 - 1956 Annual Report of the Kalamazoo State Hospital notes that it owned 1,388 total acres in and around Kalamazoo used for farming, institutional buildings, and grounds. The hospital started reducing its property holdings during the next fiscal year.

Farming operations were conducted until agricultural produce (most notably, milk) became more costly than food purchased, machinery was outdated, and liability restricted the inexperienced patients from working the farms and operating new machinery. Expenses increased with the need to hire field workers to operate the new farming implements. Mandates imposed by the Michigan Legislature and Governor in the late-1950s also led to the end of institutional farming throughout the State. U.S. 131 was constructed and opened to traffic in December 1963. The new north/south freeway severed the former State Hospital farm south of Parkview Avenue and the Colony Farm Orchard north of Parkview Avenue. The usable portion of the Orchard was now reduced to approximately 54 acres, located between today's Drake Road and U.S. 131, and was turned over to MSU for fruit pest research in 1963. While farming was discontinued at this site in 1959, patients continued to reside in the cottages until 1969.

1887 Public Act 122 authorizes the Michigan Asylum for the Insane at Kalamazoo to purchase the 324-acre Hindes Farm, from descendants of Neil Hindes, for a sum not exceeding \$18,000. The legislation also approves \$13,000 to construct two residential buildings for 50 or more patients, and \$6,853 to construct a food storage building with a meat safe and refrigerator. The storage facility would also have rooms for manufacturing mattresses and clothing. The same year, northern property owner, Daniel McMartin, sells 29.95 acres of abutting property (including the northern third of the large lake) to the Michigan Asylum for the Insane (Kalamazoo State Hospital) for \$1,000. Smith Sutherland sells the institution 3.097 acres along the northeast shore of the lake for \$77.42, giving the Hospital complete ownership of what would later be known as Asylum Lake. In 1898, Smith Sutherland and the State Hospital agree on an easement extending north from the Asylum Lake property, allowing wagons from Colony Farm to reach the nearby Michigan Central Railroad (1847 - 1905) and Fruit Belt Railroad (1906 - 1924).

1930, March 3, (likely authorized by 1929 Public Act 324), Henry Kiltz sells his 240-acre farmland, located south of Parkview Avenue / Asylum Lake tract, to the Kalamazoo State Hospital for \$30,000. The Hospital had been leasing the land since 1914.

1933, June 28, Frank and Lucille Weston transfer to the Kalamazoo State Hospital a 39-acre parcel of land in Oshtemo Township that abuts the northwest corner of the Orchard section of the Colony Farm, expanding the northern land holdings to 11th Street (likely site of the present Holiday Inn). Dr. Roy Morter, in 1941, reports that the parcel, known as the "Cole Farm," is

worth \$2,922.70 and was donated to the institution "as payment of an account" (p. 7). Frank and Lucille Weston also deed an easement to the Kalamazoo State Hospital in June 1935 to provide access to the former "Cole Farm."

1944, March 25, authorized by 1943 Public Act 221, Kalamazoo State Hospital spends \$22,500 to purchase the "Royal C. Balch Farm" adjacent to the western edge of the Kiltz Farm, south of Parkview Avenue. The tract totals 159.36 acres with nearly half extending into Oshtemo Township.

1957, March and May, Both houses of the Michigan Legislature conclude nearly eight years of investigation, initiated by Governor G. Mennen Williams, and enact Concurrent Resolution 21 which calls for the phasing out of Department of Mental Health / State Hospital farming operations throughout the State.

1957 Public Act 144 authorizes the sale of 8 acres located on the north side of the Colony Farm Orchard, west of Colony Farm Road (presently Drake Road), to Warren Frost for \$2,000. The site, a former piggery for the State Hospital, is partially filled and developed as a mobile home park. Its septic tanks are later found to be an environmental detriment to Asylum Lake. The mobile home park is fully operational by the early 1960s and vacated in 2006.

1959 Public Act 269 (Senate Bill 1112) transfers the land south of Parkview Avenue and east of 12th Street to WMU and includes the 320-acre farmland purchased by the Kalamazoo State Hospital during 1930 (240-acre Kiltz Farm) and 1944 (half of the 159.36-acre Balch Farm). The 265-acre portion east of U.S. 131 (completed in 1963) is later dedicated (in October 1983) to honor Dr. Lee O. Baker, 23-year Chair of WMU's Department of Agriculture who died December 17, 1982.

1961 - 1962, Western Michigan University and the State of Michigan transfer land parallel to 12th Street to the State Highway Department for the construction of U.S. 131.

1963, Michigan State University, Department of Entomology, assumes charge of the spray program and maintenance of the Colony Farm Orchard, located between Colony Farm Road (presently Drake Road) and U.S. 131, north of Parkview Avenue, in Oshtemo Township.

1966 Public Act 202 (House Bill 3350) transfers two parcels of adjacent land in Oshtemo Township from the Dept. of Mental Health to WMU: approximately 8 acres of land east of U.S. 131 and south of Parkview Avenue, and 43 acres of farmland west of 12th Street and south of Parkview Avenue. The legislation also authorizes the sale of 22.9 acres of State Hospital land north of Parkview Avenue and west of U.S. 131.

1969, Expenses for housing patients in the cottages on the Colony Farm properties become excessive as the Kalamazoo State Hospital operates food and services from its central Oakland Drive location. Compliance with building codes is also a concern.

1969 Public Act 56 (House Bill 2843). With the introduction of new drugs to treat TB, legislation is passed to transfer the unneeded Tuberculosis Sanitarium on Blakeslee Street (West Douglas / Fairmont Neighborhood, Kalamazoo) from the Dept. of Public Health to Dept. of Mental Health (KSH). This enables patients to be transferred from the Oakland Drive hospital to the Blakeslee hospital. Patients are then transferred to the opened beds at the Oakland Drive campus from the Colony Farm / Asylum Lake cottages that had been deemed fire hazards in 1958.

1969 (early), Discussions begin to focus on phasing-out the Fort Custer State Home, a residential institution for mental retarded individuals who are temporarily located in the former military hospital and barracks at Fort Custer (near Battle Creek, Michigan). The buildings are declared fire and safety hazards. The State Home has been leased on a temporary basis from the U.S. Army since 1956, and population counts at the facility reach 1,200 residents and 710 employees.

1969, December 29, A formal agreement is struck with the Michigan Department of Mental Health to lease the 54-acre Colony Farm Orchard to Michigan State University. No legislative authorization is sought.

1970, February 9, Senate Bill 1183 is introduced by Sen. Charles O. Zollar for State building projects. Included in the appropriations bill is a request for money to demolish the cottages located at Kalamazoo's Colony Farm operation.

1970, April, Kalamazoo Interagency Committee on Mental Retardation and Dept. of Mental Health propose using the 274-acre Fair Oaks / Asylum Lake property (also known as "Colony Farm") for a \$10-million multi-county Mental Retardation Center for

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500 residents, with completion anticipated in 1974.

1970 Public Act 46 (Senate Bill 1183) is authorized by Governor Milliken on July 2, 1970. The appropriations package allocates money to demolish the cottages on the Colony Farm property, including Asylum Lake cottages and Pratt Cottage (carried out late-August 1971).

1970, April 9 through 1972, March 16, the proposal by the Department of Mental Health to phase out the Fort Custer facility is stymied through numerous resolutions in both houses of the Legislature. Resolutions cite major losses in jobs, economic impacts, and that the planned closure would be unjustified. Staff members argue the negative psychological consequence on the children if they are to be moved to a new facility, especially at such a great distance. Opposition is strong in Battle Creek, reflected in an extensive petition drive and intense stakeholder lobbying.

1971, November 15, Dr. E.G. Yudashkin, Director of Department of Mental Health, cancels the proposed Mental Retardation Center for Fair Oaks / Asylum Lake. Yudashkin prefers instead the deinstitutionalization for many residents, Community Mental Health group homes, and an increase of beds at the Coldwater Facility and Northville State Hospital for other residents. An executive order forces a 3% budget cut on the Department of Mental Health (and other State departments).

1971 - 1973, Kalamazoo City Manager, James Caplinger, explores creating a Planned Unit Development (PUD) consisting of apartments, townhouses, homes, commercial businesses, community center, and light industrial uses. The project, called "New Town," complies with guidelines established by the Michigan State Housing Development Authority (MSHDA) and includes affordable housing options for varying income and social levels. New Town is proposed to be developed on nearly 575 acres of the former Colony Farm, but land must first be obtained from WMU (south of Parkview Avenue) and the Department of Mental Health – which would have to declare the two properties north of Parkview Avenue as surplus to their needs and those of the Kalamazoo State Hospital, having local jurisdiction over the land. Caplinger is unable to obtain an agreement with WMU to swap other lands in Kalamazoo for the Parkview farmland, and the Department of Mental Health is unwilling to declare the Asylum Lake and Colony Farm Orchard parcels as surplus, and by June 1973, he makes a formal announcement cancelling the project. Planning for the PUD is conducted in near-secrecy, and after being exposed, public planning for the properties becomes the norm. While the community may have become involved in deciding the future land uses, Caplinger persists in creating some form of New Town within open areas of the Asylum Lake property.

1971 - 1974, New designs and a formal proposal by Kalamazoo State Hospital officials recommend using the Asylum Lake property for the relocation and expansion of the unit for mentally ill children that was operating inefficiently on the Oakland Drive campus. The contemplated "Children's Unit" must compete with several projects being planned by other local public bodies who are trying to acquire and use the abandoned State Hospital land for other purposes. By July 1974, Kalamazoo State Hospital's new Superintendent, Dr. Joseph Denniston, cancels the relocation, seeking instead to use the main campus for a revamped "Children's Unit." He believes that the facility would be more appropriate on land made available from the demolition of older buildings on the Oakland Drive site, and the operation would be able to save money by sharing central services with the main hospital and avoiding duplications.

1972, May 8, Senate Bill 1372 is introduced by Senator Anthony Stamm and seeks to convey the southern-most 15-acres of Colony Farm Orchard to the Dept. of Military Affairs as a site for a new armory, replacing its dilapidating building in Downtown Kalamazoo. Companion legislation, Senate Bill 1373, proposes to sell the 1912 Kalamazoo Armory for apx. \$140,000 to be used for constructing the replacement facility. Both bills die in the Senate Committee for State Affairs.

1973, February 14, Senate Bill 130 is introduced to appropriate money toward numerous bricks-and-mortar projects around the State. The proposed legislation includes a \$280,000 allocation to be used for developing a new Kalamazoo Armory, but Governor Milliken exercises a line item veto to eliminate the item.

1973, March 21, Dr. Clarence M. Schrier, Kalamazoo State Hospital Medical Superintendent, informs the Director of the Dept. of Mental Health, Dr. E.G. Yudashkin, that the Colony Farm Orchard is no longer needed for Hospital needs and has no objections with it being declared surplus. The last building on the site (Pratt Cottage) had been demolished in 1972. Dr. Schrier further reports that the Kalamazoo State Hospital has not maintained care of the orchard west of U.S. 131 since the highway was constructed, nearly ten years prior.

1973, April 12, Senate Bill 457 is introduced by Senator Anthony Stamm relocating the site of the proposed armory from the

Orchard (proposed in 1972 as Senate Bill 1372), to the southwest corner of the Asylum Lake property (corner of Drake Road and Parkview Avenue). This revised proposal is the result of discussions with KSH Superintendent Dr. Clarence Schrier where he described MSU's continued use of the Orchard for its fruit pest research. The proposed legislation is first opposed by Dr. E. Gordon Yudashkin, Director of the Department of Mental Health, and vetoed by Governor William Milliken on August 6, 1973 because he believes it is too costly. Herbert C. DeJong, Director of the Department of Administration, opposes using the Asylum Lake property for the new Armory and suggests, instead, building the facility on 43 acres of former State Hospital farmland, located south of Parkview Avenue in Oshtemo Township, which was transferred to WMU through 1966 Public Act 202. Senate Bill 457 dies in the Senate Committee on State Affairs.

1973, June 4, House Bill 4846 is introduced by Representative Bela Kennedy (and co-sponsors) to convey the Colony Farm Orchard to MSU but is later amended to grant a lease (for \$1.00 annually) that allows the MSU Department of Entomology to use the property for experimental fruit pest research. The lease begins July 1, 1974 and continues "for as long as the Dept. of Entomology of Michigan State University conducts experimental fruit pest research thereon."

1973, June 6, Kalamazoo City Manager, James Caplinger, formally announces the cancellation of his New Town PUD proposal after back-room negotiations are exposed and critiqued by members of the public during City Commission meetings. Unable to accomplish land swaps with WMU, and without the Asylum Lake / Colony Farm Orchard properties declared surplus by the Michigan Department of Mental Health, Caplinger is blocked from moving the MSHDA mixed-use development plan forward but continues to pursue a scaled-back form of the project after the land becomes available.

1973, June 6, Senate Bill 671 is introduced by Senators Charles Zollar and Garland Lane to transfer the 274-acre Asylum Lake property from the Dept. of Mental Health to the Dept. of Administration for a future State facility. The Bill is opposed by Dr. Yudashkin, Director of the Dept. of Mental Health, as he supports the local request to retain the property for a new location of State Hospital "Children's Unit." Senate Bill 671 dies in the Senate Committee on State Affairs.

1973, June 14, Dr. Yudashkin, Director of the Department of Mental Health, notes the Orchard as being declared surplus to KSH, thereby supporting the proposal to enact a formal agreement for MSU to utilize the property for its research needs.

1973, June 20, WMU Board of Trustees approves the transfer of 43 acres of land to the Department of Military Affairs for its new armory. The tract of former State Hospital property had been transferred to Western through 1966 Public Act 202, and is located in Oshtemo Township, south of Parkview Avenue and west of U.S. 131, between the 11th Street cemetery and 12th Street. Planning for the facility begins, despite the setback encountered with Governor Milliken's veto of previous legislation. Federal funding is announced on April 15, 1975 by Republican Congressional Representative Gary Brown, and the State of Michigan then provides the required match. The new armory opens on June 13, 1977. The existing 1912 armory is sold to the City of Kalamazoo as a location for Downtown commercial expansion. The building is razed and the site becomes a parking lot.

1973, September 20 & 27, Kalamazoo County Parks and Recreation Commission (Sept. 20) and Kalamazoo County Metropolitan Planning Commission (Sept. 27) adopt a resolution for the Asylum lake property to be preserved as a major park facility for all county citizens to enjoy.

1973, December 14, Public Act 168 (House Bill 4846) is enacted, granting MSU's Department of Entomology a formal lease (\$1.00 per year) to conduct fruit pest research on the Colony Farm Orchard. The lease starts July 1, 1974 and remains in effect for as long as the research continues. (State Administrative Board approves the lease, September 16, 1975.) See June 23, 2000 for reaffirmation of the original lease as permission is granted to construct a power substation on the south side of the Orchard.

1973 - 1974, Numerous meetings and proposals for the Asylum Lake and Colony Farm Orchard properties occur. The County Board of Commissioners (especially Commissioners Jack Hunt and Robert Welborn) aggressively pursue the property for a county park and receive endorsements from other boards and commissions as well as signatures from a successful petition drive. The City of Kalamazoo's 1971 proposal for "New Town," a Planned Unit Development under MSHDA guidelines to be built on all three properties, is rejected by WMU and Kalamazoo State Hospital. After much discussion behind closed doors, Western is not interested in turning over its Parkview Avenue farm without an equal land exchange. Officials from the Kalamazoo State Hospital and Dept. of Mental Health oppose the plan as they anticipate relocating the "Children's Unit" from the Oakland Drive campus to the Asylum Lake property.

1974, February 12, Joseph C. Denniston, M.D. is assigned to be Superintendent of the Kalamazoo State Hospital as Dr.

Clarence Schrier retires, effective February 24, 1974.

1974, June 1, Dr. E.G. Yudashkin resigns as the Director for the Michigan Department of Mental Health.

1974, July, Two joint resolutions are carefully drafted by the City Administration for approval by the Kalamazoo City Commission and Kalamazoo County Commission, thereby announcing a unified position for the Asylum Lake property. (A) "Resolution Concerning Asylum Lake Park" requests State officials to declare 160 acres of the northern Asylum Lake tract as surplus, and that this portion be transferred to the County with restrictions dedicating it "in perpetuity as public open space for park and recreational use." (B) "Resolution Concerning Self-Contained Residential Development" calls for 100 acres on south side of the Asylum Lake property to be made available "for private development as a self-contained residential community." The resolution seeks to have the land transferred to the City of Kalamazoo which would create site plans and sell the parcel to the highest bidder for development. The City would reimburse the State of Michigan "for the fair market value at time of transfer."

Neither resolutions are acted upon by the County Commission or City Commission. The County Commission postpones endorsing the resolutions until the City Commission takes action. Momentum continues to build for the entire 274-acre Asylum Lake tract to be dedicated as permanent county parkland, while prospects collapse for including a residential component on the property which had been sought by the City Administration. Senator Jack Welborn and County Commissioner (and Chair) Robert Welborn continue to press the State of Michigan to turn the property over to the County of Kalamazoo for parkland.

1974, July 9 and 1974, August 21, Dr. Joseph Denniston, Kalamazoo State Hospital Superintendent (replacing Dr. Schrier who retired) declares the 274-acre Asylum Lake property surplus to the hospital's needs. He asks Dr. Donald Smith, Acting Director of Dept. of Mental Health, to support the KSH position as local competing interests for the property apply pressure to make the land available.

1974, November 5, Robert A. Welborn, Republican and former County Commissioner, is elected to the State of Michigan, House of Representatives, 47th District which includes a portion of the City of Kalamazoo. John (Jack) A. Welborn, Republican, is re-elected to the Michigan State Senate, 21st District which includes Kalamazoo County.

1974, November 19, According to the 1974 Senate Journal, State Senator Jack Welborn (with co-sponsors) introduces Senate Bill 1483 to lease the Asylum Lake property to Kalamazoo County for a park, and the draft legislation is referred to the Senate Committee on State Affairs. The terms call for a 99-year agreement at \$1.00 each year. The language includes the following restriction: "the lease instrument shall provide that the county may utilize the property solely for public park, recreation, or open space purposes, except that the legislature, by concurrent resolution, may authorize the county to utilize the property for some other public purpose." The Bill dies in committee as the Department of Management and Budget prefers not to lose control of the land which has not been declared surplus to the State. Giving the County of Kalamazoo jurisdiction over the property, by way of a lease, would create an unrecoverable loss of the land if future needs of the State arise, and the land would be virtually impossible to recover. Analysts note that leasing the land to the County for a park would be tantamount to giving up an unrecoverable asset valued between \$500,000 and \$750,000. WMU is sought as an adjacent land owner (farmland south of Parkview Ave.), and State officials and legislators inquire into the University's interest in obtaining the Asylum Lake property.

1974, December 8, Kalamazoo City Manager, James Caplinger, resigns his position following a three-month leave of absence, a lack of oversight with City Hall staff, and neglect over matters pertaining to running the municipality. Bruce Brown, Kalamazoo City Planner, serving as interim-Manager, is designated to continue in his temporary City Manager position. Caplinger was the primary mover for the New Town PUD proposal, and with his departure, all likelihood of the project that lingered after its June 1973 suspension is lost.

1975, February 13, House Bill 4315 is introduced by Representatives Robert Welborn, Howard Wolpe, and Wayne Sackett to correct the northern property line of the Asylum Lake property (shared with adjacent owners, Vermeulen and Smith).

1975, March, Though no formal document is available in archived files, reports from the Kalamazoo Gazette indicate the Asylum Lake property as having been declared surplus prior to March 18, 1975 (KG, March 18, 1975 and December 4, 1975).

1975, March 18, House Bill 4633 is introduced by State Representatives Robert Welborn, Wayne Sackett, and Howard Wolpe, seeking to convey the 274-acre Asylum Lake property to Kalamazoo County. Legislative analysis supports transferring the land for educational purposes by WMU, use by the "University community," and notes public purposes sought during previous years.

1975, December 22, Public Act 312 (House Bill 4315) corrects the northern property line of the Asylum Lake property, as requested by adjacent property owners – also descendants of Daniel McMartin: Robert and Eleanor VerMeulen and W. Ralph Smith. (Approved by the State Administrative Board on April 6, 1976.)

1975, December 22, Public Act 316 (House Bill 4633) transfers the 274-acre Asylum Lake property to WMU with the following provision (Sec. 1.2):

“The conveyance shall provide that western Michigan university may utilize the property solely for public park, recreation, or open space purposes, except that the legislature, by statute, may authorize western Michigan university to utilize the property for some other public purpose.”

1976, May 11, House Bill 6322 is introduced by Representative Robert Welborn to amend 1975 Public Act 316. The legislation proposes to correct utility easement parameters and the northern property line on the Asylum Lake property. (The northern boundary is shared with land-owners Robert & Eleanor Vermeulen, and William “Ralph” Smith.)

1976, May 14, WMU’s Asylum Lake Study Committee (co-chaired by Rep. Robert Welborn and WMU Administrator, William Kowalski) submits its “Final Report” on the recommended land uses for the Asylum Lake property. The “Final Report” suggests educational and recreational uses of the property. State Representative Robert Welborn, during preliminary Committee discussions, emphasizes the importance of keeping the open space concept when planning land uses. (Report does not offer recommendations for the Colony Farm Orchard property, still under jurisdiction of the Department of Mental Health.)

1976, October 8, Public Act 272 (House Bill 6322) corrects easement parameters and the northern property line description for Asylum Lake, as stated in 1975 Public Act 316. The restrictive clause in the 1975 legislation remains in the amended public act.

1976, October 20, MSU President, Jack Breslin, approves language to be proposed in a legislative bill to convey the 54-acre Colony Farm Orchard (Oshtemo Township) to WMU. Language will preserve MSU’s right to continue its fruit pest testing on the property.

1976, November 15, Senate Bill 1711 (Zollar, J. Welborn, Byker) is introduced to convey the 54-acre Colony Farm Orchard to WMU, with MSU lease provisions to conduct fruit pest research until they no longer need the land. There are no other restrictions proposed. Dies in committee.

1977, February 2, House Bill 4058 is introduced by State Representatives Robert Welborn, Don Gilmer, Mary Brown, and Bela Kennedy, and proposes to convey the 54-acre Colony Farm Orchard (Oshtemo Township) from the Department of Mental Health to WMU. The language includes a provision entitling Michigan State University, Department of Entomology, to “have and hold the land for as long as the department of Entomology conducts experimental fruit pest research on the land.” Legislative analysis cites the property as being surplus to the Kalamazoo State Hospital, while WMU desires to receive the property because it is adjacent to other University land holdings in the area.

1977, June 15, House Bill 4058 is amended with Section 3 to include the “public park, recreation, or open space” restrictions.

1977, November 8, Public Act 158 (House Bill 4058, as amended) is enacted, transferring the 54-acre Colony Farm Orchard to WMU with the following two restrictions:

“Sec. 2. The land described in section 1 is presently leased by the state to the board of trustees of Michigan state university. This lease provides that the department of entomology of Michigan state university have and hold the land for as long as the department of entomology conducts experimental fruit pest research on the land. The conveyance authorized in section 1 is subject to the condition that the lease between the state and the board of trustees of Michigan state university be continued, as written, between western Michigan university and the board of trustees of Michigan state university.”

(Section 2 reflects the provisions of 1973 Public Act 168, initially granting MSU the use of the Orchard for research purposes.)

“Sec. 3. The conveyance shall provide that western Michigan university may utilize the property solely for public park, recreation, or open space purposes, except that the legislature, by statute, may authorize western Michigan university to

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utilize the property for some other public purpose.”

(State Administrative Board approves the Colony Farm Orchard conveyance, restriction, and MSU lease on March 15, 1978.)

1979, May 30, Michigan Attorney General, Frank J. Kelley, Opinion No. 5494 answers two questions by Rep. Robert Welborn regarding Colony Farm Orchard, based on conveyance restrictions stated in 1977 Public Act 158. Attorney General finds that, (1) the City of Kalamazoo may not condemn property acquired by WMU from the State with use-restrictions calling for public park, recreation or open space purposes, and (2) WMU Board of Trustees may grant a sewer easement to the City of Kalamazoo across the Orchard property, but legislative approval must be sought if the easement would materially interfere with the use of the property for public park, recreation or open space purposes.

1980, January 2, Pursuant to 1975 Public Act 312 and 1976 Public Act 272 which amends 1975 Public Act 316, the State Administrative Board clarifies and permanently establishes the corrected property line between the lands owned by WMU (Asylum Lake parcel, northern boundary), Robert and Eleanor Vermeulen, and W. Ralph Smith. All land north of the revised property line is conveyed to Smith and the Vermeulens, while land south of the new line is conveyed to WMU. Additionally, the State Administrative Board authorizes the conveyance of the Asylum Lake property from the Department of Mental Health to WMU and an easement to the City of Kalamazoo for street, water, and sewer purposes. The Asylum Lake parcel is stated as being 273 acres, more or less.

1983, October 21, WMU Board of Trustees dedicates the University Farm, south of Parkview Avenue, to Dr. Lee O. Baker (retired 1982), 23-year Chair of Western's Dept. of Agriculture who died Dec. 17, 1982, age 60. Baker's family lived in the Gibbs farmhouse which was owned by WMU.

1985, May 29, Robert A. Welborn dies nearly one and one-half years after being elected to his first term in the Michigan Senate.

1990, April 26, WMU announces its three-phase proposal to build a University-sponsored Research and Business Park. Phase One calls for development of the Colony Farm Orchard. Legislative approval would be required.

1990, December, Asylum Lake Preservation Association is formed to preserve the integrity of the area and protect the legislative restrictions on both properties north of Parkview Avenue.

1993, February, WMU's final proposal for their Research and Business Park includes developing 30 acres of the southwest corner of the Asylum Lake property, violating several publicly-stated promises to exclude this property from any development.

1993, February 9, State Representative Dale Shugars (with co-sponsors) introduces House Bill 4184 to amend Sec. 3 of 1977 Public Act 158 (transferring the Colony Farm Orchard from the Department of Mental Health to WMU) as follows:

“Sec. 3. The conveyance shall provide that western Michigan university may utilize the property solely for public park, recreation, or open space purposes, OR FOR THE PUBLIC PURPOSE OF A RESEARCH AND BUSINESS PARK.”

1993, March 2, Michigan House of Representatives passes House Bill 4184, as amended.

1993, April 13, Oshtemo Township Board approves a resolution requesting the Legislature to amend House Bill 4184 and require development on the Orchard comply with local zoning ordinances in order to include public input.

1993, April 15, Oshtemo Citizens Association opposes House Bill 4184 because of the tax exempt status of the proposed development, lack of compliance with zoning, and loss of green space and wetlands.

1993, April 22, Senate Committee for State Affairs and Military / Veteran Affairs holds a hearing for House Bill 4184, as amended. WMU declares its intent to construct a University building / incubator on the Orchard property and lease space to businesses. Rent proceeds fund subsequent Research Park infrastructure. Senators dispute the notion that private / for-profit businesses constitute a “public purpose,” and they believe that private developers should purchase individual (subdivided) parcels at a fair market value. WMU had also reported to the media nearly one month prior, that as a State institution, it would exercise its privilege to develop the first phase of the Research Park in Oshtemo without undergoing zoning provisions. House Bill 4184 dies in the Senate Committee.

1993, May 9, With House Bill 4184 dead in the Senate Committee for State Affairs and Military / Veteran Affairs, WMU President Dr. Diether Haenicke suspends the Research Park plans, citing a “climate of resistance and hostility” within the community toward the proposal.

1994, September - 1995, June, CEO Council, Inc. attempts to gain support for a Research and Business Park for WMU’s Lee Baker Farm, south of Parkview Avenue. Community opposition continues to be strong. Approval of a newly proposed zoning ordinance is rejected by the Planning Commission and is later dropped from City Commission consideration. Counter-proposal by ALPA and NAACP calls for Lee Baker Farm to be redeveloped as the pre-farming Genessee Prairie while honoring a previous land-holder and African American settler, Enoch Harris.

1996, September 12, Oshtemo Township Planning Commission overturns a decision by its Focus Area Committee that calls for the Orchard to be designated as a health services complex in the Master Land Use Plan. The Commission decides, instead, to only allow the land to be utilized for recreational purposes, in accord with the legislative restrictions.

1996, November 21, Oshtemo Township Trustees adopt the “Genessee Prairie Focus Area Development Plan” for the Parkview Avenue corridor, Colony Farm Orchard (north of Parkview), and land south of Parkview between 12th Street and a line designating 10th Street. The land use plan amendment calls for offices along Parkview Avenue, additional housing, and open space, however the plan adheres to the conveyance restrictions for the Colony Farm Orchard.

1998, April, WMU President, Dr. Diether Haenicke, announces an agreement with Arthur Hills and Associates, golf course architects from Toledo, Ohio, to develop plans and specifications for golf course on the Asylum Lake property. A contract is drawn up by Arthur Hills on August 13, 1996 but is never placed before the WMU Board of Trustees for consideration, and the proposal dies. (Dr. Haenicke’s retirement date is August 1, 1998, and the decision to proceed with the project would need to be made by the new President of WMU, Dr. Elson Floyd.)

1998, November 30, City of Kalamazoo formally proposes to WMU that they develop their Business, Research, and Technology Park on the University’s 265-acre Lee Baker Farm. The City creates a new zoning ordinance for the development, promises financial incentives for infrastructure, and calls for an endowment with City funds (\$200,000) and Kalamazoo Foundation funds (\$1,300,000) for permanent preservation, reduction of environmental degradation, and passive recreational uses of the Asylum Lake Preserve. The proposal does not include the 54-acre Colony Farm Orchard (Oshtemo Township).

1999, January 22, WMU Board of Trustees approves Kalamazoo’s “Partnership” proposal for locating a University-sponsored Research Park (later known as the Business, Technology, and Research [BTR] Park), a new College of Engineering and Applied Sciences, and a new paper and printing science teaching and research facility on the Lee Baker Farm (south side of Parkview Avenue). A \$1.5-million perpetual endowed fund is set up with the Kalamazoo Community Foundation to cover costs for the development, operation, and maintenance of the Asylum Lake Preserve for passive recreational uses.

1999, March, In accord with the “Partnership” agreement, WMU Vice President, Robert Beam, assembles the Asylum Lake Focus Committee to devise passive recreational activities, reduce environmental degradation on the Asylum Lake Preserve, and recommend protective covenants for future use of the Asylum Lake property.

2000, June 23, WMU Board of Trustees proposes lease revisions with MSU that would allow Western “to create road and utility right-of-ways needed for the new College of Engineering and the [BTR] Park...” The action redefines the Orchard’s eastern boundary line by granting to the City of Kalamazoo the space required to widen Drake Road and construct a non-motorized pathway on the west side of the new roadway. Relinquishing the Orchard property for these “public purposes” is approved by MSU and WMU Trustees, but authorization by the State of Michigan Legislature is not sought (though required in 1977 Public Act 168 and reaffirmed in Attorney General Opinion No. 5494, May 30, 1979). Prior action at this meeting retains MSU’s original lease provisions (July 1, 1974, pursuant to 1973 Public Act 168) allowing the Department of Entomology to utilize the property as long as necessary for its research purposes. Revisions to the lease include redefining the property boundaries based on the new Drake Road easement expansion. The WMU Board initially authorizes the creation of a “rolling expiration so that if MSU no longer needs the property the lease rights will expire” (Minutes, p. 10). But MSU later rejects this initiative along with Western’s proposed five-year-review cycle.

2000, October 23 and October 24, Kalamazoo City Commission and Oshtemo Township Trustees (respectively) approve a tax base sharing agreement (pursuant to 1984 Public Act 425) for an 8-acre triangular section of the BTR Park (former Lee Baker

Farm) that extends west of the city limits, into Oshtemo Township. The agreement calls for a 20-year tax base sharing agreement where Kalamazoo would collect all property taxes on the parcel at the City's millage rate, and Oshtemo Township would be reimbursed for their portion of the property taxes. The City is also able to extend any ordinances (including zoning), infrastructure, and special assessments onto the parcel for the duration of the agreement.

2000, October 27, WMU Board of Trustees approves conveying the BTR Park property (former Lee Baker Farm) to the WMU Foundation. In turn, "the WMU Foundation would, in collaboration with the WMU administration, oversee the development of the Park, including the subdivision of lots, and the subsequent marketing and sales and/or lease of said parcels" (Minutes, p. 17).

2001, May 30, WMU Board of Trustees approves conveying to the City of Kalamazoo "a 17-foot wide piece of property along the south side of Parkview Avenue right-of-way, along with the future conveyance of any substantially similar portion of land along the north side of Parkview Avenue ... if needed" (Minutes, p. 19). The Board also authorizes conveying the BTR Park loop-road (and related easements) to the City of Kalamazoo upon its completion.

2001, June 6, WMU Board of Trustees and Consumers Energy execute an easement along the south 245 feet of the Colony Farm Orchard for an electric substation and a gas regulator station, both above ground, and driveway access from Drake Road. MSU approves the easement as presenting no negative impact on current research.

2001, Summer, Drake Road / boulevard reconstruction project (Stadium Drive south to Parkview Avenue).

2001, October 26, WMU Board of Trustees approves amended easements for "Consumers Energy Company and other utility providers covering properties owned by the university within and adjacent to the BTR Park upon terms and conditions deemed appropriate by the administration. (Consumers Energy has requested an easement for electrical lines across University property adjacent to BTR Park.)" (Minutes, p. 21.)

2001, October, Kalamazoo Nature Center finishes its inventory and study of Asylum Lake area including Colony Farm Orchard.

2002, Summer, Parkview Avenue reconstruction project (Oakland Drive west to Drake Road).

2002, August 27, Oshtemo Township Trustees, during their informal work session before the regular evening meeting, rejected a City of Kalamazoo proposal for tax base sharing (pursuant to 1984 Public Act 425) using properties adjacent to the western City limits. The proposal also called for removing the conveyance restrictions from the Colony Farm Orchard to allow future expansion of the BTR Park, south of the site. Discussion among Trustees includes honoring the legislation that conveyed the Orchard to WMU, and the negative fiscal implications to Oshtemo Township from tax base sharing (especially with a housing development proposed for land north of West Main Street).

2004, April 16, WMU Board of Trustees approves adoption of two documents governing the Asylum Lake "Preserve" and restricting its use for passive recreational activities: the Declaration of Conservation Restrictions, and the Asylum Lake Preserve Management Framework. The "Management Framework" includes the Statement of Conservation Purposes, Management Goals, and the function and makeup of the Asylum Lake Policy and Management Council. Both documents are also recorded by the Kalamazoo County Register of Deeds. (The WMU Asylum Lake Focus Committee disbands after meeting for five years, and the new representative WMU Asylum Lake Policy and Management Council is assembled to convene in the autumn of 2004.)

2004, July 27, Oshtemo Township Trustees approve the rezoning of the 8-acre parcel on the southwest corner of Stadium Drive and Drake Road. Formerly purchased by Warren Frost in 1957 to be the site of a mobile home park, the property is sold in 2004 to Collegiate Partners (Phoenix Properties). The new owners request a "Commercial - Restricted" zoning designation for the land. The same tract would be sold to the WMU Foundation in 2007. All structures and mobile homes are removed from the site, beginning in February, 2007.

2006, October 20, WMU Board of Trustees approves allowing "the [WMU] treasurer to sign the appropriate documents necessary to transfer property to the [Michigan Department of Transportation] needed for the reconstruction and widening of the Parkview bridge over US 131" (Minutes, p. 2).

2008, Spring and Summer, Parkview Avenue bridge is replaced by MDOT, costing \$4-million (new bridge is now three lanes wide).

2009, July 2, WMU Board of Trustees approves the termination of the July 1, 1974 lease with MSU that permitted the Department of Entomology to conduct fruit pest research on the Colony Farm Orchard. The WMU Board also authorizes a reimbursement to MSU not to exceed \$985,000 for relocation costs. MSU anticipates taking up to three years to complete the transition. This Board action serves to nullify two items: (1) 1973 Public Act 168 where the state of Michigan formally permitted MSU's research on the Orchard and authorized the lease agreement (prior to the Orchard's conveyance to WMU), and (2) MSU's June 23, 2000 reaffirmation with WMU of their research endeavors on the Orchard.

2009, July 16, House Bill 5207 is introduced by Representative Robert Jones with provisions to: (1) return the Colony Farm Orchard to the State Administrative Board for \$1.00, and (2) authorize the State Administrative Board to convey the property back to WMU for \$1.00 to enable expansion of the Business, Technology, and Research Park (on adjacent land). This legislation revokes 1977 Public Act 158 and the open space restrictions / MSU lease contained therein. HB 5207 includes a restriction that "[t]he property shall be used exclusively for the purpose of expanding and improving the business technology and research park located on western Michigan university's parkview campus (*sic*)..." This restriction is removed prior to final adoption of the legislation. HB 5207, as introduced, is tie-barred to companion legislation: House Bill 5205 (returns the Northwest Unit of Kalamazoo State Hospital / State Tuberculosis Sanitarium to the State Administrative Board, and allows WMU to reacquire the facility without restrictions), and House Bill 5206 (conveys Noble Lodge and its 2.55-acre property from the Department of Corrections to WMU with a restriction that it be used solely for "public purposes.") Noble Lodge is demolished in July 2012.

2009, September 15, WMU Board of Trustees authorizes paying \$500,250 to Mr. and Mrs. George Buckham to purchase 43.5 acres of agricultural land on 9th Street, between KL Avenue and West Main Street (Oshtemo Township) as the new location of the University soccer fields. (8.71 additional acres, valued at \$100,165, will be donated.) With this purchase, additional space is created along Parkview Avenue for the expansion of the Business, Technology, and Research Park.

2009, September 17, Substitute for House Bill No. 5207 is passed by the House of Representatives. HB 5207 (Substitute) combines companion House Bills 5205, 5206, and 5207 into one piece of legislation (see 2009, July 16). The restriction that the Colony Farm Orchard be used exclusively for expanding the Business, Technology, and Research Park has been removed in Substitution House Bill 5207. Passed by Senate (without amendments) on December 18, 2009.

2010, January 5, Public Act 217 (House Bill 5207) is approved by Governor Jennifer Granholm. Restrictions are removed from the Colony Farm Orchard and the former State Tuberculosis Sanitarium / Northwest Unit of Kalamazoo State Hospital (Blakeslee Street), and the University receives the vacant Noble Lodge and its 2.55-acres of land – with restrictions for public uses only.

2010, February 18, WMU Board of Trustees authorizes the WMU Treasurer to create formal documents to finalize the three pieces of legislative action contained in (2009) Public Act 217. See 2009, July 16, House Bill 5207.

2010, September, Oshtemo Township planning officials begin the process of revising portions of the Oshtemo Charter Township Master [Land Use] Plan, including the Colony Farm Orchard and former 8-acre trailer park at the (Southwest) Drake Rd. / Stadium Dr. intersection. Both properties are components of the "Genesee Prairie Sub-Area" with land use recommendations previously adopted in 1997. Current discussions will address future development for the Orchard (and surrounding lands) following the removal of the 1977 conveyance restrictions on the Orchard and termination of MSU's lease for fruit pest research on the property. The boundaries of the generally undeveloped / partially-agricultural Genesee Prairie Sub-Area are: 12th St. (east), N Ave. (south), a utility corridor east of 9th St. (west), and Parkview Ave. (north) – and includes the land between Drake Rd. and U.S. 131, north of Parkview Ave. with Stadium Dr. as the northern border (Orchard & trailer park).

2011, May 12, Oshtemo Township Planning Commission approves adoption of amendments to the Oshtemo Township Master [Land Use] Plan including the revised Genesee Prairie Sub-Area Plan whose borders also encompass the Colony Farm Orchard.

2011, June 28, Oshtemo Township Trustees approve adoption of amendments to the Oshtemo Township Master [Land Use] Plan including the revised Genesee Prairie Sub-Area Plan whose borders also encompass the Colony Farm Orchard.

2012, May 24, Oshtemo Township Planning Commission approves amendments to the Zoning Ordinance, including the new code (Section 39), "BRP" Business, Research Park District and (Section 26) "R-C" Residential Conservation District. Both zoning classifications are in accord with recommendations appearing in the Genesee Prairie Sub-Area Plan (within the revised Oshtemo Township Master Plan), and the latter serves to protect the Sub-Area from high density development.

2012, June 26, Oshtemo Township Trustees adopt the "R-C" Residential Conservation District and "BRP" Business, Research Park District zoning ordinance amendments to enable implementing the Genesee Prairie Sub-Area land use plan.