

# Order

Michigan Supreme Court  
Lansing, Michigan

March 27, 2009

Marilyn Kelly,  
Chief Justice

137528

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

CRYSTAL LAKE PROPERTY  
RIGHTS ASSOCIATION,  
Plaintiff-Appellant,

v

SC: 137528  
COA: 272587  
Benzie CC: 04-007095-CE

BENZIE COUNTY and DEPARTMENT  
OF NATURAL RESOURCES,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the September 11, 2008 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

MARKMAN, J. (*concurring*).

For the reasons set forth by the concurring judge in the Court of Appeals, I concur in this order. In particular, I agree with him that “after reading the entire plan, it seems clear to me that the [Department of Natural Resources] is violating the spirit, intent, and purpose of the plan, albeit not the plain language.” More should be expected of a public agency, in my judgment, when it negotiates with private parties than the kind of “sharp dealing” reflected in this case. However, any remedy, if there is to be one, must come from the political process, rather than from this Court reading an agreement in a manner contrary to its language.

CORRIGAN, J., joins the statement of MARKMAN, J.



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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.

March 27, 2009

*Corbin R. Davis*

Clerk