


Court order blocks Shadowrock

Opponents celebrate legal victory; developer considers appeal rights

[Stefanie Frith](#)

The Desert Sun

 May 17, 2007 May 17, 2007

A Superior Court judge granted an injunction Wednesday preventing Shadowrock from starting construction, a move that temporarily blocks the long-planned project from being built in the Chino Canyon.

"The canyon and the voters have won," said Jono Hildner, chairman of Save Our Mountains and head of the "No on Shadowrock" campaign.

Developer Mark Bragg said Riverside County Superior Court Judge Harold Hopp's decision to block Shadowrock's grading permit is "just one step among the many we have taken on the path."

He said he and his attorneys are examining his appeal rights.

"We will find a way around this obstacle and continue onto our objective," said Bragg, who is also working with the Agua Caliente Band of Cahuilla Indians to develop a separate parcel of land in the Chino Canyon.

At stake is an approved luxury hotel and golf course development below the Palm Springs Aerial Tramway that has been more than 20 years in the making.

Bragg says it will put Palm Springs on the map in terms of quality hotel development. Opponents say it would ruin the Chino Canyon's beauty and destroy habitat for big horn sheep.

Recently, Bragg was hit with the motion for a preliminary injunction by the Sierra Club and Center for Biological Diversity to block him from acting on a grading permit he pulled from Palm Springs City Hall. The permit was to build a lake and entrance road on 20 acres.

The injunction is tied to a lawsuit that claims the contract between Bragg and the city has expired.

D. Wayne Brechtel, an attorney representing the Sierra Club, said the agreement expired in 2003 but was extended last year because Bragg invoked force majeure, a clause that excuses parties from being responsible for the terms in their contract due to things like disaster and war.

How that clause was applied will now be looked at during a trial that could begin as soon as the end of this year, Brechtel said.

In November, Palm Springs voters will decide if the development should be extended by 10 years.

Palm Springs City Attorney Doug Holland said Wednesday that if voters approve the extension, the trial could disappear.

He added the trial could have "significant" implications for other cities that allow force majeure clauses on development.