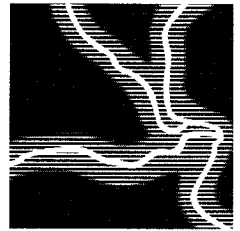


August 31, 2015

Mr. Steve Stenger, County Executive
Members of the St. Louis County Council
41 South Central
St. Louis, MO 63105

**GREAT
RIVERS**
Environmental Law Center
Lawyers for the Environment



Re: Proposed Sale of Sylvan Springs Park

Dear Mr. Stenger and Members of the County Council:

On behalf of the Missouri Coalition for the Environment, I am writing you to urge you to deny the request of the U.S. Department of Veteran's Affairs to purchase Sylvan Springs Park for the expansion of Jefferson Barracks Cemetery.

The Missouri Coalition for the Environment ("MCE") is a citizen's environmental organization founded in St. Louis County. For 46 years, MCE has worked to protect Missouri's natural resources through effective citizen action, including running and supporting campaigns to protect county parks and promoting the passage of the state's Parks and Soils Tax.

MCE opposes the proposed sale of Sylvan Springs Park. Two-thirds of the 38-acres proposed for sale are covered with large oak trees and other hardwood species, and some of those oaks are probably 200 years old. In addition, this Park has a remarkable history and represents a significant investment by the community and taxpayer dollars.

The Park's history dates back to 1826, when four companies of the First U.S. Infantry Regiment established a temporary camp there. The companies were the first to camp at what later would become the military outpost of Jefferson Barracks in September, 1826. The Park's rock garden was built in 1939 by the 6th Infantry. Two years later, 50 acres were cleared, and an amphitheater, dance floor and baseball and football fields were built, with a grandstand holding up to 3,000 spectators. The amphitheater had a seating capacity of 7,000. In World War II, many USO shows were held there for the soldiers at Jefferson Barracks. Stars who performed at Sylvan Springs included Judy Garland, Bob Hope, Virginia Mayo and Jeanette MacDonald.

This is not the first time a federal agency has tried to purchase Sylvan Springs Park. In 1966, the U.S. Coast Guard attempted to purchase 8.4 acres adjacent to Sylvan Springs Park, and Mr. Larry Roos, then County Executive, protested. The Coast Guard eventually backed down and, in 1969, the County purchased the acres and made them part of

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Sylvan Springs Park. Mr. Roos pointed out that Sylvan Springs Park is an attractive facility to many citizens of South County.

The Department of Veteran's Affairs (V.A.) has known since at least the year 2000 that Jefferson Barracks will soon run out of space in the cemetery. Yet the V.A. appears to have thought of no options other than purchasing a park from St. Louis County, which will not provide it with a long-term solution but will deprive taxpayers of their park forever.

The County should stand up for its parks, and deny the V.A.'s request.

It may be illegal for the County to sell Sylvan Springs Park. In 1950, when the County purchased the 61.45-acre park from the General Services Administration ("GSA"), the contract explicitly provided that the federal government was selling it "in consideration of the continuous use and maintenance of the premises by the [County] as and for public park and recreational purposes."

The contract contains a clause stating that the federal government would take back the property if the County failed to use it as a Park and failed to file reports showing this usage for a period of twenty-years, but that clause does not mean there are no restrictions on the County's sale of the Park. It is possible that a common law dedication was established. To establish a common law dedication, someone must show: (1) that the landowner unequivocally intended to dedicate property to public use; (2) that the public accepted the dedicated property; and (3) that the public used the dedicated property. The County accepted the Park, used it and improved it as a Park for 65-years, from 1950 to today.

During its ownership of the Park, the County has invested millions of dollars into the Park. Some of the funds came from Proposition 2 of 1969, passed by County voters providing funds for the County to use in the purchase of parks. Other funds came from a sales tax that citizens across St. Louis County approved in November, 2000, to help improve, restore, and expand their municipal parks and recreation programs. The 1969 bond proposition and 2000 County tax initiative stated that funds would be used for park purposes and restoring and expanding parks.

In 1969, the County used Proposition 2 funds to purchase an additional 8 acres which were added to this park.

In 2001, the County renovated bathrooms at Sylvan Springs Park using funds financed by the \$2.8 million received from the 2000 County Parks and Trails sales tax that took effect on April 1, 2001.

In 2002, the County spent \$69,500 for professional services by Hellmuth, Obata & Kassabaum relating to the Sylvan Spring Master Plan, also using funds generated by the sales tax.

In 2003, the County spent \$75,000 for professional services by Hellmuth, Obata & Kassabaum, Inc., for “civil engineering, geotechnical, surveying, landscape architectural and architectural services in connection with improvements at Sylvan Springs Park, again using funds generated by the sales tax.”

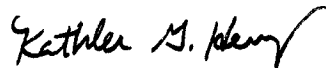
In 2005, the County invested \$1.8 million into Sylvan Springs Park, with funds coming from the sales tax. Sylvan Springs Park opened with a spray pool and new picnic facilities. Two new shelters with picnic tables and restrooms opened, along with a new playground area and renovated ballfield.

In 2007, the County spent \$300,000 on construction of a 20,000 square-foot skate park in Sylvan Springs Park, and accepted \$5,000 from Six Flags St. Louis for support of the construction of the second phase of the skate park.

The County should not subvert the will of the people who agreed to the investment of funds in Sylvan Springs Park by selling it.

The Missouri Coalition for the Environment urges you to honor the intent of the citizens of St. Louis County who have voted for the allocation of millions of dollars for this and other County Parks, and to deny the request of the Department of Veteran’s Affairs for the purchase of Sylvan Springs Park.

Very truly yours,



Kathleen G. Henry

Cc: Pat Dolan, Chair, Hazel Erby, Mark Harder, Kevin O’Leary, Mike O’Mara, Vice-Chair, Sam Page, Colleen Wasinger