

Press Release

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For Immediate Release

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City wants to sell dedicated park to make room for more restaurants

Rolla's Buehler Park legal battle headed back to trial court

Rolla, Mo. – The City of Rolla's second attempt to sell one of its parks has been successfully resisted for the past sixteen months thanks to the combined efforts of Great Rivers Environmental Law Center (GRELC) and the Citizens for the Preservation of Buehler Park (CPBP).

The CPBP and eight citizen plaintiffs are represented by GRELC, Missouri's only public interest environmental law center. The City of Rolla wants to sell the 3.2-acre Buehler Park, located one block south of Interstate 44 in the rural university town, located 100 miles southwest of St. Louis. The City wants to allow a developer to build a restaurant district on the property. That developer, Kevin Guffey of American Real Estate (Belle, Mo.), signed an option with the City for \$1 million in March of 2005, granting him the right to move forward with his proposed development if the City prevails in its legal battle with the CPBP.

The CPBP's lawsuit contends the City has no right to sell the park since the land carries with it a warranty deed that states the land "is conveyed to the City of Rolla, Missouri for park purposes only and none other. ... FOREVER." The City first attempted to dismiss the group's lawsuit claiming CPBP's members had no legal standing - a claim that was upheld in Circuit Court by Judge Tracy L. Storie, in June of 2005. The CPBP appealed Storie's ruling, which was subsequently overturned by the Missouri Southern District Court of Appeals in April of this year.

The case has been remanded back to Judge Storie, who must deal with the specific claims being made by the CPBP, which state the City of Rolla had no right to use City funds to send out proposals to developers for the sale of a park that never should have been available for sale in the first place.

Bruce Morrison, the CPBP legal representative and general counsel for GRELC, comments, "The City has spent taxpayers' monies on the illegal sale of the Park. The language of the deed makes it clear that the proposed sale is illegal."

Tom Sager, CPBP Vice-President and one of the eight plaintiffs, adds, "It's really a very simple matter. Buehler Park was deeded to the City of Rolla by the Rolla Chamber of Commerce in 1958, with the clear stipulation that it remain a park forever. This was done through a dedication and warranty deed. Now the City, running a deficit of over \$2 million and desperate to generate more sales taxes, wants to replace this beautiful park with more restaurants."

Sager, a 24-year Rolla area resident and member of GRELC's Board of Directors, concludes, "It would be an absolute tragedy to lose this park, and break faith with the civic-minded citizens who gave us Buehler Park almost 50 years ago. Buehler Park is an oasis of greenery along a commercially developed concrete and asphalt strip. In a recent survey the citizens of Rolla have made it plain that they do not want to sell this park. The City's own consultant recommended against selling Buehler Park."

In fact, the battle to save Buehler Park began back in 1996, when the City first attempted to sell the property to Cracker Barrel.

CPBP fought a four-year court battle with the City of Rolla that ended with the Missouri Court of Appeals ruling in a 2 to 1 decision, that those who brought the suit lacked standing to sue. "The only appellate judge who addressed the merits of the case would have ruled in our favor," said Kathleen Henry, Great Rivers' President.

Cracker Barrel eventually located its restaurant in St. Robert, 25 miles west of Rolla on I-44.

The court hearing is set for Friday, August 4th at 9:00 AM in the Phelps County Courthouse.

Great Rivers is a non-profit, public interest environmental organization in St. Louis that provides free legal assistance to citizens' groups seeking to preserve and protect the environment. Its website is: www.greatriverslaw.org.



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