

Press Release
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For Immediate Release

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Preservationist group announces decision to appeal circuit court's ruling

**Rolla's Buehler Park legal battle headed
back to Missouri's Southern Court of Appeals**

Rolla, Mo. – Citizens for the Preservation of Buehler Park, along with five citizen plaintiffs, have filed an appeal to a recent Circuit Court decision allowing the City of Rolla to sell Buehler Park for development as a restaurant district. Buehler Park is a beautiful oasis of greenery amidst an otherwise commercially developed strip on the western approach to Rolla.

At the center of the 10-year-old controversy is the legal meaning of a 1958 warranty deed that reads, "It is understood that the above described real estate is conveyed to the City of Rolla, Missouri for Park purposes only and none other, and to be known as Buehler Park ... FOREVER"

"Read that passage again," says Jerry Cohen, president of the preservation group: "'For park purposes only and none other...FOREVER.' That's clear and unambiguous. I'm surprised it's been necessary to battle in court to demonstrate what seems so obvious."

After Circuit Judge Tracy L. Storie's earlier ruling that the plaintiffs had no standing in court was reversed and remanded by the Court of Appeals, Judge Storie then ruled that, although Plaintiffs "have standing as taxpayers," the deed "did not dedicate the property to public use forever."

The preservationists are appealing this ruling, which if allowed to stand, would permit the city of Rolla to sell Buehler Park. Their website is www.buehlerpark.org.

Buehler Park is named after Rolla's "First Citizen," Dr. Henry A. Buehler, who was Missouri's chief geologist for 36 years and was responsible for bringing Fort Leonard Wood to the Rolla area, and much of the economic development in South-Central Missouri during the Depression years.

The park preservationists are represented by St. Louis-based Great Rivers Environmental Law Center. Great Rivers is Missouri's legal advocate for the environment, open spaces, and environmental justice.

Bruce Morrison, General Counsel for Great Rivers, remarked, "With Judge Storie's ruling on standing to sue, Rolla's citizens got back their right to have access to the courts. Now we will set about getting back for them their park."

Tom Sager, a board member of both Great Rivers and the park preservation group notes, "It took us 10 years to achieve standing to sue the City of Rolla in court. We are optimistic the Court of Appeals will affirm Appellate Judge Phillip R. Garrison's 1998 dissenting opinion 'that [Buehler Park] was, in fact, dedicated to the public.' "

Sager refers to Rolla's previous attempt to sell Buehler Park to Cracker Barrel restaurants in the mid-90s. The preservationists lost that case in a two to one split decision on the issue of standing. But, during that legal battle, Cracker Barrel lost interest in Buehler Park and built in nearby St. Robert, 25 miles west of Rolla on Interstate-44.

A decision from the Court of Appeals is expected within six to twelve months.

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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