

Press Release

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For Immediate Release

Page 1 of 2



Contact:
Bruce Morrison, General Counsel
Great Rivers Environmental Law Center
Phone: 314-231-4181
Fax: 314-231-4184
Email: bamorrison@greatriverslaw.org
Website: www.greatriverslaw.org



Contact:
Jerry Cohen, President
Citizens for the Preservation of
Buehler Park
Phone: 573-364-7707
Email: gcohen@umr.edu
Website: www.buehlerpark.org

Citizens' 10-year battle to save historic park goes to trial on Aug. 4 **Rolla's Buehler Park controversy will have its day in court**

Rolla, Mo. – The City of Rolla's attempt to sell one of its parks has been a controversial issue in this small, university town for almost 10 years. The City wants to sell 3.2-acre Buehler Park, located one block south of Interstate 44, despite a clearly worded dedication which states the land “is conveyed to the City of Rolla, Missouri for Park purposes only and none other, and to be known as Buehler Park ... FOREVER.”

Organized as Citizens for the Preservation of Buehler Park (CPBP), a group of citizens is defending this popular park that has been used for years by the Optimist Club of Rolla for children's soccer leagues and was the location of a homecoming celebration for University of Missouri Rolla's (UMR) championship winning solar race car. Rolla is located 100 miles southwest of St. Louis, and home to the UMR Miners.

The St. Louis-based Great Rivers Environmental Law Center (GRELC) will argue the case for CPBP on Friday, August 4th, before Phelps County Circuit Judge, Tracy L. Storie.

The case hinges on two legal issues: citizen standing, and the validity of the dedication in the warranty deed.

The City of Rolla claims that its citizens have no legal right to question in court its decision to sell off Buehler Park. The legal term is “no standing.”

Judge Storie agreed with the City and in June 2005 dismissed the case; but on appeal the higher court reversed Judge Storie's ruling and remanded the case back to Circuit Court.

For Jerry Cohen, President of the Buehler Park preservation group, the issue is clear. Says Cohen, “The City's claim that its own citizens are irrelevant to the fate of one of its dedicated city parks is simply incredible. We the citizens are an integral part of the city and as such are certainly not irrelevant. This should really be a non-issue.”

Cohen continues: "The dedication language is crystal clear. 'Forever' means 'Forever,' not until such time as the mayor and city council would like to raise some additional funds."

GRELC is also involved in two similar cases: defending St. Louis's Forest Park from commercial encroachment, and saving the Boonville Lift Bridge which is an integral part of the Katy Trail corridor. The Katy Trail case hinges around the same two issues as Buehler Park: citizen standing and property held in trust for public use.

Buehler Park is named after Dr. Henry Andrew Buehler, one of the most influential men in the history of the City of Rolla and the State of Missouri. Buehler served as state geologist for 36 years under 10 consecutive governors, and is credited with, among other accomplishments, the placement of Fort Leonard Wood in Missouri and much of the economic development in South-central Missouri during the depression years. On his untimely death in 1944, Dr. Buehler was eulogized by Governor Forrest Donnell, and more recently by the late Governor Mel Carnahan.

Lois Ann Marler, author of Buehler's biography, *Hail to "The Chief"*, remarks, "He was the quintessential public servant and became a larger-than-life figure to those around him. This is not only a green-space issue: It is also an issue over honoring a man who went above and beyond the call of duty to make life better for all of us."

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

CPBP is hosting a potluck picnic and fundraiser at 5 PM, August 4th, at Buehler Park. The public and the media are invited to attend. Buehler Park is located one block east on Kingshighway from Exit 184 off Interstate 44. See links to maps to the park and courthouse at www.buehlerpark.org.

The funds raised at this public event will help defray the legal expenses incurred by GRELC.

Tom Sager, Vice-president of CPBP remarks, "Missouri is so fortunate to have Great Rivers. I don't think we could have raised the \$100,000 necessary to retain a private law firm to defend our park. For us, Great Rivers is the great equalizer."

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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