

BUEHLER PARK TIMELINE

18??: The area from Kingshighway to the Forest Service offices, including Buehler Park is acquired by the St. Louis and San Francisco (Frisco) Railway Company.

1876: Henry Andrew Buehler born in Monroe, Wisconsin.

190?: Henry Andrew Buehler moves to Rolla. Lois Ann Marler in her biography of Henry Buehler, *Hail to "The Chief"*, writes:

“The Chief as [Buehler] was affectionately called, put Rolla on the map economically and wove us into the fabric of the nation. His direct influence in the development of mining in Missouri, the development of highway systems, the placement of Ft. Leonard Wood, and permanent employment for the area established Rolla and south central Missouri as a vital part of the nation.

“Buehler was a visionary, his foresight and courage built the civil infrastructure we take for granted today. Without his leadership, Rolla might have been another poor, struggling village left to stagnate in untapped potential. Buehler's leadership caused him to be revered as a ‘mighty oak in life's forest’”

1927: The Chamber of Commerce of the City of Rolla, under the leadership of Henry Buehler, acquires the Fairgrounds from the Frisco Railway. The fairgrounds tract, which includes the 3.2 acre park which is now named as Buehler Park, is informally referred to as Buehler Park.

1944: Henry Andrew Buehler, State Geologist for 36 years, dies unexpectedly. Buehler is eulogized by governor Forrest Donnell of the State of Missouri. Rolla mayor, W.D. Jones proclaims “That all business be suspended from 2 to 4 P.M. on Thursday, March 16, 1944, during [Buehler's] funeral hour.”

1957: After the Fairgrounds moved south of town, the Chamber of Commerce decides to give away the old Fairgrounds to civic and government institutions for the benefit of the public. This area now houses the Missouri National Guard, Department of Natural Resources, Gingerbread House and other not-for-profit entities, as well as the 3.2 acre Buehler Park.

1958: The land currently known as Buehler Park is given to the City of Rolla for the sum of \$10.00 **“for Park purposes only and none other, and to be known as Buehler Park. ... FOREVER;”** Lois Ann Marler writes of this dedication: **“It is believed that the Chamber wanted to protect Buehler Park from it's own future members who might not care to remember the great namesake benefactor.”**

1992: The Chamber of Commerce presents the city of Rolla with a plan to build a visitors center in Buehler Park with money from a motel tax.

1993: The City refuses to let the Chamber build a visitors center in Buehler Park or to give the park to the Chamber citing that “to turn over City property to a private group would set a dangerous precedent.” The Chamber decides to build its offices and visitors center on the Forest Service land across the highway.

The city starts charging a motel tax. A contract is signed with the Chamber of Commerce to turn

over 90% of the proceeds to the motel tax to the Chamber for the next 25 years.

1996: Without any public knowledge or input, the city of Rolla makes a deal to sell Buehler Park to Cracker Barrel restaurants for \$500,000. They agree to pay developer, Jack Dietzmann, a “finders fee” of \$50,000. Real estate appraiser, Bob Stoltz, finds the land to have a commercial value of \$680,000.

The Chamber and City unveil a plan to use the money from the sale of Buehler Park to purchase the Forest Service land where the Chamber of Commerce is building their offices and visitors center. To allay criticism, they talk of renaming the new park, Buehler Park. This rationale to sell the real Buehler Park in order to acquire a new Buehler Park continues until the Courts rule that the real Buehler Park is dedicated land and cannot be sold in 2007.

In order to oppose this plan to sell off one of their most precious parks, preservationists organize the group, Citizens for the Preservation of Buehler Park, and elect Grette Herrick president. Through citizen petitions, phone calls, and letters to the editor, citizens make known their opposition to the sale of Buehler Park. Park preservationists are called “whiners,” “complainers,” “tree huggers,” and “anti-progress.” Park preservationists are told to leave town if they object.

1997: The city of Rolla and Cracker Barrel meet behind closed doors and then present citizens with a "done deal" for selling Buehler Park to Cracker Barrel.

Park preservationists contact Lewis C. Green, Missouri's foremost environmental attorney. After looking at the warranty deed, Mr. Green exclaims, "You have a case!" The case hinges on the wording of the warranty deed, that Buehler Park has been dedicated to the public and must legally be maintained as a park. Mr. Green agrees to defend Buehler Park.

Park preservationists file suit to block the sale. Judge Jack O. Edwards gives the preservationists two weeks to raise \$40,000 for an injunction bond. Park preservationists surprise everyone, including themselves, by raising the money.

Because of public opposition, Cracker Barrel decides not to locate in Buehler Park and builds a restaurant in St. Robert, 23 miles from Rolla . Very likely, if the city had not offered Buehler Park to Cracker Barrel , they would have built elsewhere in Rolla.

1998: The Missouri Court of Appeals rules in a two to one split decision that the citizens have “no standing” in court to question the sale. The majority do not address the issue of the dedication. Dissenting judge, Philip R. Garrison, opines that not only do the citizens have standing, but the dedication is valid and Buehler Park must be maintained for public usage as a park. This decision leaves the door open for the city to try again to sell the park. It also leaves the door open for citizens to sue again to halt such a sale.

The city sues to claim the park preservationist's \$40,000 injunction bond on the grounds that the city has suffered damages due to the suit.

2000: Judge Edwards awards the City almost all of the \$40,000 injunction bond, ignoring the fact that the sale would have been for more than \$100,000 under the park's commercial value. Citizens appeal. The Court of Appeals remands the case to Judge Edwards ordering that Judge Edwards must consider the difference between Fair Market Value and the Proposed Sale Price. Judge Edwards then orders the bond returned to the citizens.

2002: Lewis C. Green sets up Great Rivers Environmental Law Center to carry on his work and to be the legal advocate for Missouri's environment. Rolla park preservationist, Tom Sager, becomes a member of the Board of Directors of Great Rivers.

2003: Lewis C. Green dies. Great Rivers carries on his work protecting Missouri's environment.

The city hires consultants Bucher, Willis and Ratliff to create a master park plan. The consultants find that 52% of the people do not want to sell any parkland for any purpose. They recommend **“not to sell [Buehler] Park”** citing that **“The citizen survey indicates that citizens are not supportive of selling park land.”** and that **“the sale of park land for any purpose establishes a mindset that all park property is for sale and that the establishment of a park system is arbitrary.”**

2005: The city requests bids for the development of Buehler Park as a restaurant district.

Citizens for the Preservation of Buehler Park (CPBP) is incorporated under the laws of the State of Missouri and along with eight citizen plaintiffs files suit to prevent the sale of Buehler Park. Great Rivers agrees to represent CPBP. Great Rivers' General Counsel, Bruce A. Morrison is lead attorney.

The city of Rolla and American Realty sign an option contract on Buehler Park.

City counselor John Beger takes the unprecedented step of asking the court to sanction the attorneys for the plaintiff.

Circuit Court Judge, Tracy L. Storie dismisses the case. Citizens appeal.

2006: Facing a Forest Service imposed deadline for purchasing the land on which the Chamber built its visitors center and offices, the city and chamber miraculously discover that motel tax proceeds can be used for this purpose. The city of Rolla agrees to buy the land using money from the motel tax. The city, overconfident and strapped for cash, decides to use the expected proceeds of the sale of Buehler Park to maintain and expand the city's parks and recreation system.

Court of Appeals overrules Judge Storie, ruling that citizens have standing, and that Judge Storie must hear the case.

Judge Storie rules that although citizens have standing, the statement, **“for Park purposes only and none other, and to be known as Buehler Park. ... FOREVER;”** does not dedicate Buehler Park to public use. Citizens appeal..

2007: In August, Judges Nancy Steffen Rahmeyer, John E. Parrish, and Daniel E. Scott of the Southern District Court of Appeals rule that plaintiffs have standing to sue, and that Buehler Park is dedicated to public use. This is the first time since 1910 that any Missouri Court has ruled that users of public property have standing to sue to maintain that use. The Court declared the City's arguments "hyper-technical and hollow."

In October, Judge Storie issues the following order:

“The 1958 warranty deed between the Rolla Chamber of Commerce and the City of Rolla dedicates the Buehler Park property to public use as a public park; and The City of Rolla is enjoined from taking action that is inconsistent with the property's use as a public park.”

2008 - 2009 CPBP works with City Department of Parks and Recreation to improve Buehler Park, including cleaning up downed tree limbs from the January 2008 ice storm and planting over 20 new seedlings.