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KCAF Investors, L.L.C. v. Kansas City Downtown Streetcar Transp. Development Dist.

Missouri Court of Appeals, Western District - August 7, 2013 - S.W.3d - 2013 WL 4008192

The Kansas City Downtown Streetcar Transportation Development District was formed in 2012 via a formation lawsuit and a series of elections. The construction and operation of the streetcar line was to be funded, in substantial part, by special assessments on real property located within the District, and by a sales tax, not to exceed one percent, on retail sales within the District.

Appellants – property and business owners in the district – challenged the legality of the District's formation and the imposition of the sales tax and real-property assessments.

The circuit court entered its judgment granting the Streetcar District's motion to dismiss Appellants' petition. The court held that Appellants' challenges to the real-property special assessments were "election contests" which were untimely under § 115.577, because Appellants did not bring their claims within thirty days of the certification of the results of the election approving the special assessments. The circuit court also held that Appellants were estopped from asserting any of their claims because they should have raised their challenges in the formation lawsuit, prior to the elections which authorized the District's formation and the imposition of the sales tax and real-property assessments. The appeals court affirmed.

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