

Bond Case Briefs

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LAND USE - MISSOURI

Koch v. St. Louis County

Missouri Court of Appeals, Eastern District, Division One - August 29, 2017 - S.W.3d - 2017 WL 3707492

County taxpayers brought action against county, seeking declaration that county lacked authority to transfer any part of park for development as cemetery.

The Circuit Court granted summary judgment to county. Taxpayers appealed.

The Court of Appeals held that:

- Clause of conveyance of land to county, stating that conveyance was in consideration for the “continuous use and maintenance of the premises by the County as and for public park and recreational purposes,” did not establish intent of transferor, which was the federal government, to dedicate land to public for use as a park only;
- Federal government’s retention of right to occupy conveyed park land for national emergencies did not establish intent to dedicate land to public as park; and
- Bond measure for improvement of parks did not impose implied trust on county to hold park at issue for public use.