

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

MERAMEC VALLEY R-III	)	ED91678
SCHOOL DISTRICT, Appellant,	)	
	)	
vs.	)	Appeal from the Circuit Court
	)	of St. Louis County
CITY OF EUREKA, MISSOURI, Respondent,	)	
and	)	
JBA EUREKA, LLC, Respondent.	)	Filed: February 24, 2009

Meramec Valley R-III School District (School District) appeals from the judgment of the trial court granting summary judgment in favor of the City of Eureka, Missouri (City) and JBA Eureka, LLC (Developer).

AFFIRMED.

Division Three Holds: The trial court did not err in granting summary judgment in favor of City and Developer because City established a *prima facie* case that it was entitled to judgment as a matter of law in that City presented uncontroverted factual evidence establishing that: (1) a predominance of blighting factors in the area of redevelopment has resulted in economic liability in light of the redevelopment area's present condition or use as a whole, and (2) the redevelopment area as a whole would not be subject to growth and development in the absence of tax increment financing. School District presented no genuine issues of material fact as to the existence of substantial evidence to support City's findings. No portion of the redevelopment area consisted of property that qualified as a greenfield that is not subject to tax increment financing.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J. and Clifford H. Ahrens, J., concur

Attorneys for Appellant: Michael H. James and A. Melissia Riddle

Attorneys for Respondent: James E. Mello, Jeffery T. McPherson, Deanna M. Wendler  
Modde, Gerard T. Carmody and Kelley F. Farrell

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**