

**Missouri Court of Appeals  
Western District**

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**COMPLETE TITLE OF CASE**

IN RE: THE MATTER OF THE REMOVAL OF HUMAN REMAINS FROM  
CEMETERIES IN KANSAS CITY, PLATTE COUNTY, MISSOURI

CITY OF KANSAS CITY, MISSOURI,

Appellant,

v.

UNKNOWN AND UNREPRESENTED PERSONS AND OLIN MILLER,

Respondents.

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**DOCKET NUMBER WD70006**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** November 10, 2009

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**Appeal from**

The Circuit Court of Platte County, Missouri  
The Honorable Abe Shafer, Judge

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**APPELLATE JUDGES**

Division Three: Thomas H. Newton, C.J., and Mark Pfeiffer and Karen King Mitchell, JJ.

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**ATTORNEYS**

Galen Beaufort, City Attorney  
Dorothy L. Campbell, Assistant City Attorney  
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Attorneys for Appellant,

Robert H. Shaw, Platte City, MO

Court-Appointed Counsel and Guardian ad litem  
for Unknown and Unrepresented Respondents,

M. A. Thalman, Gower, MO

Attorney for Respondent Miller.

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**IN RE: THE MATTER OF THE )  
REMOVAL OF HUMAN REMAINS FROM )  
CEMETERIES IN KANSAS CITY, )  
PLATTE COUNTY, MISSOURI )  
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CITY OF KANSAS CITY, MISSOURI, )  
)  
Appellant, )  
v. )  
)  
UNKNOWN AND UNREPRESENTED )  
PERSONS AND OLIN MILLER, )  
)  
Respondents. )**

No. WD70006

November 10, 2009

Before Division Three Judges: Newton, C.J., and Pfeiffer and Mitchell, JJ.

The City of Kansas City, Missouri (“City”) appeals from the trial court’s judgment denying City’s petition to disinter human remains found in four cemeteries on Kansas City International Airport (“KCI”) property, and reinter the remains in another location on KCI property. The trial court found that no good cause existed for the removal of the remains in the cemeteries at issue.

**AFFIRMED.**

**Division Three holds:**

The trial court did not abuse its broad discretion in finding that City did not show good cause to disinter the human remains found at four cemeteries located on KCI property in that: there was no imminent health or safety-related reason to move the remains; the lease between the City and another company proposing to develop part of the property at issue did not require the remains to be removed; the families of the decedents buried in the cemeteries did not wish to have the remains removed; and there is a presumption against removing remains once they are buried. Although the applicable statutory scheme gives broad authority to cities in their acquisition and maintenance of airport property, we do not decide whether that authority constitutes good cause per se, because the issue was not raised before the trial court.

We also find that no part of the judgment of the trial court intended to grant injunctive relief and decline to reverse the judgment for this reason.

Because the trial court did not abuse its discretion, we affirm the trial court’s judgment.

**Opinion by: Karen King Mitchell, Judge**

November 10, 2009

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