

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

GREAT RIVERS HABITAT ALLIANCE, et al.,

Appellants,

v.

CITY OF ST. PETERS, et al.,

Respondents.

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**DOCKET NUMBER WD74328**  
(Consolidated with WD74330)

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** August 28, 2012

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**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Patricia S. Joyce, Judge

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**JUDGES**

Division Two: Ellis, P.J., and Ahuja and Pfeiffer, JJ.

CONCURRING.

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

**GREAT RIVERS HABITAT ALLIANCE,** )  
**et al.,** )

**Appellants,** )

**v.** )

**CITY OF ST. PETERS, et al.,** )

**Respondents.** )

**OPINION FILED:**  
**August 28, 2012**

**WD74328 (Consolidated with WD74330)**

**Cole County**

**Before Division Two Judges:**

Joseph M. Ellis, Presiding Judge, and  
Alok Ahuja and Mark D. Pfeiffer, Judges

Great Rivers Habitat Alliance; The Adolphus A. Busch Revocable Living Trust, Adolphus A. Busch, Trustee; Andrew Riney; Delores J. Wetzel; Randy F. Hudson; Allen C. Poggemoeller; and St. Charles County, Missouri (collectively, “Appellants”), appeal from the Judgment of the Circuit Court of Cole County, Missouri, in favor of the City of St. Peters, Missouri (“City”), and the Missouri Attorney General, following a four-day bench trial of Appellants’ action for declaratory judgment, injunctive relief, and judicial review, in which they challenged the adoption of tax increment financing for a 1,640-acre tract of land in the City and the constitutionality of the Real Property Tax Increment Allocation Redevelopment Act, §§ 99.800 to 99.865 (“TIF Act”).

**AFFIRMED.**

**Division Two holds:**

1. There was substantial evidence in the record to support the City’s legislative determinations that: the redevelopment area was “blighted”; “but/for” the adoption of tax increment financing, the redevelopment area would not reasonably be anticipated to be developed; and the Redevelopment Plan conformed to the Comprehensive Plan for the development of the municipality as a whole.

2. The term “blighted area” as defined in TIF Act section 99.805(1) and as used in section 99.810 in describing the required contents of the redevelopment plan does not on its face violate Missouri Constitution article X, section 7 (authorizing partial tax relief to encourage “the reconstruction, redevelopment, and rehabilitation of obsolete, decadent, or blighted areas”) and article VI, section 21 (permitting a city to, among other things, enact ordinances “providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas”). The indicium of blight is a decline in the value of real estate. Thus, in an area where property values have deteriorated and declined, the Constitution permits municipalities to encourage growth and development through tax relief and through activities that will arrest the decline in property value and stimulate its increase.

Here, the evidence was that the Redevelopment Area had previously been developed with, among other things, numerous farm structures, internal farm access roads, agricultural levees, and a golf course development, and that those site improvements had decayed over time, rendering both farming and the golf course operation unprofitable, due to lack of proper maintenance and due to the effect of the flooding on the property. Even if the Constitution requires that “blighted” areas have decayed from a prior state of development, that condition was satisfied in this case.

3. The City ordinance authorizing the City to enter into a Joint Development Agreement with a private entity was not adopted in violation of the notice requirements of section 99.825 because it made no alterations to the redevelopment area’s exterior boundaries, it did not affect the land uses established under the Redevelopment Plan, and it did not change the nature of the redevelopment project outlined in the Redevelopment Plan.

**Opinion by: Mark D. Pfeiffer, Judge**

August 28, 2012

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