



**In the Missouri Court of Appeals  
Eastern District**

**DIVISION THREE**

DARRYL & DONNA CURTIS, et al.,	)	No. ED90538
	)	
Respondents,	)	Appeal from the Circuit Court
	)	of Jefferson County
vs.	)	
	)	Hon. Robert G. Wilkins
CITY OF HILLSBORO,	)	
	)	Filed:
Appellant.	)	November 25, 2008

**OPINION SUMMARY**

The City of Hillsboro ("the City") appeals from the trial court's grant of summary judgment in favor of Darryl and Donna Curtis, Stephen and Janie Jehle, and Beck Family, LLC (collectively referred to as "Respondents") on Respondents' petition for declaratory judgment and an injunction from the enforcement of ordinances annexing certain property into the City. The City contends the trial court erred in granting summary judgment in favor of Respondents because the trial court misapplied the law regarding "compactness." The City further argues the trial court's application of the terms "compact" is an unconstitutional impairment of the right to contract and the trial court's interpretation of "contiguous and compact" is an unconstitutional impairment on the City's and property owners' right to peaceably assemble.

**AFFIRMED.**

**Division Three holds:** The annexation did not meet the compactness requirement of Section 71.014, RSMo 2000. In addition, there are no constitutional violations in the application of the term compact. Thus, the trial court properly granted summary judgment in favor of Respondents.

Opinion by: Robert G. Dowd, Jr., P.J.

Clifford H. Ahrens, J. and  
Sherri B. Sullivan, J., concur.