

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

MC DEVELOPMENT COMPANY, LLC	)	No. ED90647
	)	
Plaintiff/Appellant,	)	Appeal from the Circuit Court
vs.	)	of St. Francois County
	)	
CENTRAL R-3 SCHOOL DISTRICT	)	
OF ST. FRANCOIS COUNTY,	)	
	)	
Defendant/Respondent,	)	
	)	
FARMINGTON R-7 SCHOOL DISTRICT	)	
OF ST. FRANCOIS COUNTY,	)	
	)	
Defendant/Cross-Appellant,	)	
	)	
DAMON BLACK, ASSESSOR OF	)	Filed:
ST. FRANCOIS COUNTY,	)	January 27, 2009
	)	
Defendant/Respondent.	)	

Plaintiff, MC Development Company, LLC (“MCD”), appeals from the trial court’s declaratory judgment finding a portion of MCD’s land (“Parcel 13”) was part of the Central R-3 School District (“Central R-3”). Farmington R-7 School District (“Farmington R-7”) cross-appeals also arguing Parcel 13 was not part of Central R-3. MCD and Farmington R-7 argue the trial court erred in declaring Parcel 13 to be part of Central R-3 because school districts are statutorily required to be composed of contiguous territory. Further, MCD and Farmington R-7 contend the trial court erred in relying on the assessor’s maps instead of the school districts’ evidence because the authority to determine school boundaries lies with the school districts and voters.

**REVERSED AND REMANDED.**

Southern Division holds: The trial court erred in declaring Parcel 13 to be part of Central R-3 because, at the time of the boundary change in 1967, school districts were statutorily required to be composed of contiguous territory and the trial court also erred in relying on the Assessor’s maps because the school districts and voters had the authority to determine the school district boundaries.

Opinion by: Robert G. Dowd, Jr., J.      Nannette A. Baker, C.J. and Roy L. Richter, J., concur.

Attorneys for Appellant: Bianca L. Eden, Clinton B. Roberts

Attorneys for Respondent: Natalie A. Hoernschemeyer, Thomas A. Mickes, Holly Joyce

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