

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

SUNSWEPT PROPERTIES, LLC, et al.,)	No. ED92290
Respondents,)	
)	
v.)	Appeal from the Circuit Court
)	of the Jefferson County
NORTHEAST PUBLIC SEWER)	
DISTRICT, Appellant.)	Filed: November 10, 2009

Northeast Public Sewer District (the District), along with its Executive Director, Jeffrey Doss and Board of Trustees, (collectively, Appellants) appeals from the trial court's judgment directing the District to allow Sunswept Properties, L.L.C. (Sunswept) to connect its apartment community to the District's sewer facilities while only requiring a connection fee for the new units resulting from the development and entering declaratory judgment in favor of Sunswept, CountryAire Manor, LLC and IPX Development 81 LLC, (collectively, Respondents).

AFFIRMED.

Division Four holds: The trial court did not abuse its discretion when it entered judgment granting the writ of mandamus and requiring the Appellants to allow Sunswept to connect its apartment community to the District's sewer facilities while requiring only a connection fee for those new units that would result from the development of the apartment community. The trial court's entry of declaratory judgment allowing the collection of a connection fee by the District only for new units resulting from the development of the apartment communities was supported by the substantial evidence, was not against the weight of the evidence, did not erroneously declare the law, and did not erroneously apply the law.

Opinion by: Kurt S. Odenwald, P.J.
Kenneth M. Romines, C.J., and George W. Draper III, J., Concur.

Attorney for Appellant: Robert K. Sweeney

Attorneys for Respondent: William M. Corrigan, Jr. and Jeffery T. McPherson

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