

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

DYNASTY HOME, L.C.,)	No. ED100993
)	
Appellant,)	Appeal from the Circuit Court
)	of Franklin County
vs.)	10AB-CC00219
)	
PUBLIC WATER SUPPLY DISTRICT)	Honorable Stanley D. Williams
NUMBER 3 OF FRANKLIN COUNTY,)	
MISSOURI,)	
)	
Respondent.)	Filed: February 3, 2015

Dynasty Home, L.C. (“Dynasty”) appeals the trial court’s grant of summary judgment in favor of Public Water Supply District No. 3 of Franklin County, Missouri (“the District”) on Dynasty’s claim for inverse condemnation.

AFFIRMED.

Division Four holds: The trial court did not err in granting the District summary judgment. Contrary to Dynasty’s arguments, section 250.140.1 RSMo Supp. 2006¹ does not give it the right to terminate water and sewer service to Dynasty’s properties at its request, when the billing accounts are in Dynasty’s tenants’ names. Additionally, Dynasty has not met its burden to show that the District’s rules and regulations bear no reasonable relationship to the legislative objective or that they are unreasonable and plainly inconsistent with section 250.140.1. Because the District’s rules and regulations on the termination of service are valid, Dynasty does not have the right to terminate service at its request. Therefore, Dynasty does not have a property right to be infringed, and it has not suffered a taking.

Opinion by: Robert M. Clayton III, J.
Patricia L. Cohen, P.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Benjamin J. Hotz

Attorneys for Respondent: Mark C. Piontek, Jacqueline K. Graves

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ All further references to section 250.140 are to RSMo Supp. 2006.