

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

CITY OF LAKE SAINT LOUIS, MISSOURI,)	No. ED102003
)	
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
v.)	
)	
CITY OF O'FALLON, MISSOURI)	Honorable Nancy Schneider
)	
Defendant/Appellant.)	Filed: April 28, 2015

City of O'Fallon, Missouri (O'Fallon) appeals from the circuit court's entry of summary judgment in favor of City of Lake Saint Louis, Missouri (Lake St. Louis) on Lake St. Louis's petition seeking a declaratory judgment establishing Lake St. Louis's northern boundary. On appeal, O'Fallon argues the circuit court erred in granting Lake St. Louis's motion for summary judgment and denying O'Fallon's cross-motion for summary judgment, because O'Fallon lawfully annexed the disputed area, in that: (1) Lake St. Louis never annexed the disputed territory and (2) alternatively, if Lake St. Louis did annex the disputed territory, through the doctrines of acquiescence, waiver, and estoppel Lake St. Louis surrendered sovereignty over the disputed area prior to O'Fallon commencing annexation proceedings.

AFFIRMED.

Division Two Holds: It is an undisputed material fact that Lake St. Louis annexed the disputed territory in 1982; thus, O'Fallon's subsequent attempts to annex the same failed as a matter of law.

Opinion by: Sherri B. Sullivan, P.J. Mary K. Hoff, J., and Philp M. Hess, J., concur.

Attorneys for Appellant: Kevin M. O'Keefe, Stephanie E. Karr, Edward J. Sluys
Attorneys for Respondent: Jeffery T. McPherson, Matthew Reh, and Jeffrey L. Schultz

<p>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.</p>
