

**OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION FOUR**

CITY OF LAKE ST. LOUIS, MISSOURI,)	No. ED93289
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Charles County
)	
vs.)	Honorable Ted C. House
)	
)	Cause No. 0911-CV03131
CITY OF O’FALLON, MISSOURI,)	
)	
Respondent.)	Filed: January 26, 2010
)	

The City of Lake St. Louis appeals the trial court’s judgment dismissing its petition for declaratory judgment with respect to a boundary dispute and alleged annexation against the City of O’Fallon. In its sole point on appeal, the City of Lake St. Louis argues the trial court erred in dismissing its petition in that it believes the petition stated a cause of action and was not barred by the statute of limitation or laches.

REVERSED AND REMANDED.

Division IV Holds: The trial court erred in dismissing the City of Lake St. Louis’ petition because it stated a cause of action and was not barred by the statute of limitations or laches. Moreover, quo warranto was not the exclusive remedy available to the City of Lake St. Louis in resolving its boundary dispute with the City of O’Fallon.

Opinion by: George W. Draper III, J.	Kurt S. Odenwald, P.J., and Roy L. Richter, J. concur
Attorneys for Appellants: Jay A. Summerville Jeffery T. McPherson Jonathan D. Valentino	
Attorney for Respondents: Kevin M. O’Keefe Stephanie E. Karr	

**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.**