

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

REGIONS BANK,) ED97903
)
 Respondent,) Appeal from the Circuit Court
) of St. Charles County
v.)
) Honorable Ted House
CITY OF O’FALLON,) 0711-CV08525
)
 Appellant.) Filed: March 5, 2013

The City of O’Fallon, Missouri (City), appeals the trial court’s summary judgment in favor of Regions Bank (Regions). The judgment upheld the validity of an agreement that the City would pay for the cost of installing sewer taps on property owned by Regions and ordered the City to pay damages for breaching such agreement. The City argues the agreement was void under Section 432.070, RSMo. (2000), because the agreement failed to delineate the cost of the sewer taps. Regions argues that the City already fully litigated this issue in a companion case, in which the trial court granted summary judgment in favor of plaintiffs (Individual Plaintiffs), who had similar annexation agreements containing similar sewer tap provisions, which the trial court found were enforceable.

AFFIRMED.

Division Five Holds: Because the City did not appeal the final judgment entered in favor of the Individual Plaintiffs, and because that judgment addressed the same issue the City attempts to appeal here, the City’s argument that the annexation agreement is void is barred on appeal under the doctrine of collateral estoppel.

Opinion by: Gary M. Gaertner, Jr., C.J.
Robert M. Clayton III, J., and Ellen Levy Siwak, S.J., concur.

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