

Summary of SC90022, MC Development Company, LLC v. Central R-3 School District of St. Francois County, Farmington R-7 School District of St. Francois County, Damon Black, Assessor of St. Francois County

Appeal from the St. Francois County circuit court, Judge Scott E. Thomsen
Opinion issued Dec. 22, 2009

Attorneys: MC Development was represented by Bianca L. Eden of Wegmann, Stewart, Tesreau, Sherman, Eden & Mikale P.C. in Hillsboro, (636) 797-2665; the Farmington school district was represented by Clinton B. Roberts of Roberts & Kinsky LLC in Farmington, (573) 756-4576; the Central school district was represented by Thomas A. Mickes and Natalie A. Hoernschemeyer of Mickes Goldman O'Toole LLC in St. Louis, (314) 878-5600; and the St. Francois County assessor was represented by Holly Joyce, an assistant St. Francois County prosecutor, (573) 431-5341.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A development company appeals, and one school district cross-appeals, the trial court's declaratory judgment that the company's property lies wholly within another school district. In a unanimous decision written by Judge Zel M. Fischer, the Supreme Court of Missouri affirms the judgment. There was substantial evidence before the trial court on which to base its finding that the parcel was located within the boundaries of the other school district both before and after an election changing boundaries between the two districts. Further, neither the state constitution nor state statutes required existing school districts whose boundaries were changed to contain only contiguous territory.

Facts: Central R-3 School District was established in 1966 through the reorganization of several school districts in St. Francois County. An election was held the next year as to whether to change the boundary line between the Farmington R-7 School District and what is now the Central district. Voters in one district but not the other approved the measure, and on appeal, a board of arbitration found the boundary change was necessary and ruled in favor of the Farmington district. In 2004, MC Development Company LLC bought property encompassing a particular parcel in St. Francois County. At closing, the sellers of the property delivered an assessor's map to MC Development indicating that part of the property was in the Central school district. The county assessor informed MC Development that the parcel had been assessed continuously as part of the Central school district as far back as 1950. In April 2005, MC Development filed a suit against the Farmington school district and the county assessor, seeking a judgment declaring that its property lies wholly within the Farmington school district and directing the assessor to change the assessment records accordingly. The trial court issued findings of fact and conclusions of law declaring that the disputed property lies wholly within the Central

school district's boundaries. MC Development appeals, and the Farmington school district cross-appeals.

AFFIRMED.

Court en banc holds: (1) The trial court's judgment was not against the weight of the evidence. In keeping with well-settled law, this Court defers to the trial court's assessment of credibility of witnesses before it and its opportunity to weigh conflicting evidence. The trial court relied on records of the assessor and the legal description of the land from the 1967 election rather than the Farmington school district because they were more reliable under the facts and circumstances of this case. The government entity with authority to establish school district boundaries in 1967 when the boundary change was made no longer exists, and there is no government entity that now has the authority to establish or determine boundary lines when there is a dispute. Maps maintained by the school district were evidence of what the district believed to be its boundaries but conflicted with other evidence. The assessor's records and the legal description provided the trial court with substantial evidence on which to base its finding that the parcel was located within the boundaries of the Central school district before and after the 1967 election.

(2) The trial court did not misapply the law. It is clear from the record that the parties, by implied consent, tried the issue of whether the law requires a school district's boundaries to be contiguous, and the issue properly was preserved for appeal. Section 162.431, RSMo Supp. 1965, which governed the boundary change between the Central and Farmington school districts in 1967, unambiguously contained no requirement that school district boundaries be contiguous. While the legislature explicitly included a requirement for contiguous school district territory in section 162.171, RSMo Supp. 1965, for reorganization plans, it did not do so in section 162.431 governing boundary change procedures. To read a contiguous territory requirement into section 162.431 would be tantamount to rewriting the statute. The fact that the legislature used the term "adjacent" in section 162.211, RSMo Supp. 1965, does not indicate the legislature intended to require contiguous school districts but rather undercuts the argument that the statutes required school districts to be comprised of contiguous territory. Further, because the requirement of contiguous territory in article IX, section 1(b) of the Missouri Constitution applies to the establishment of school districts, not boundary changes to existing school districts, section 162.431 did not contravene the state constitution.