

Bond Case Briefs

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ANNEXATION - MISSOURI

City of DeSoto v. Nixon

Supreme Court of Missouri, en banc - January 12, 2016 - S.W.3d - 2016 WL 142676

City and city resident brought action against state for declaration that statute's section that excluded any city that met six specific criteria from statute's procedures for making post-annexation payments to a fire protection district after the city annexed part of the fire protection district violated the constitutional prohibition against local or special laws. The Circuit Court entered summary judgment in favor of state. City and resident appealed.

The Supreme Court of Missouri held that law was a special law in violation of constitution.

Statute describing how a third-class city with a population between 6,000 and 7,000 inhabitants, located in a charter county with between 200,000 and 350,000 inhabitants, entirely surrounded by a single fire-protection district and which operated a fire department was to make post-annexation payments to a fire protection district after it annexed part of the district was a special law and thus violated constitutional prohibition against local or special laws. No other city met both population requirements, and while there were many cities with 6,000 to 7,000 residents, those either were not third-class cities, not in charter counties, or were not surrounded by a single fire protection district.