

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI

STATE OF MISSOURI, ex rel.)
AL FRANKE and JUDY FRANKE,)
KENNETH LEIMBACH and VIRGINIA)
LEIMBACH,)
SAVE OUR CHILDREN=S HEALTH, INC.,)
a Missouri Not-for-Profit Corporation,)
THOMAS PETZOLDT and ABBY)
PETZOLDT,)
OMER LUTTRULL and BRINDA J.)
LUTTRULL,)

Relators,)

vs.)

CITY OF JACKSON, MISSOURI, a)
Municipal Corporation,)

Respondent.)

Case No.: 12CG-CC00033

FILED
OCT 11 2012
PATTI WIBBENMEYER
CIRCUIT CLERK

JUDGMENT

On October 9, 2012, this matter came on for hearing before the Court on Relators' Motion for Summary Judgment and Respondent's Motion for Summary Judgment. Argument was heard and the Court took the matter as heard and submitted.

The Court hereby finds that there are no material issues of fact as to the issues raised in Relators' Motion for Summary Judgment and that Relators are entitled to judgment as a matter of law. The Court therefore finds that the Respondent's annexation of U.S. Highway 61 and Interstate 55 pursuant to Ordinance No. 09-15, passed March 16, 2009, fails to meet both the "compact and contiguous" requirement and the procedural requirements of of RSMo § 71.012, as set forth in Relators' Memorandum in Support of Motion for Summary Judgment.

The Court further finds that, with the exception of Relators Kenneth and Virginia Leimbach, all of the named Relators have a legally protectable interest sufficient to grant standing

to prosecute this annexation challenge.

The Court therefore finds that Ordinance No. 09-15, purporting to annex U.S. Highway 61 and Interstate 55, is illegal, invalid, and void. The Respondent, City of Jackson, is hereby ousted from these roadways and ordered to cease any action in furtherance of Ordinance No. 09-15.

Respondent's Motion for Summary Judgment is denied.

Each party shall be responsible for their own attorney fees. Costs are assessed against the Respondent.

All other motions or requests for relief are denied.

SO ORDERED.

10/11/12



The Honorable William L. Syler