

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

|                             |   |                           |
|-----------------------------|---|---------------------------|
| THE CITY OF EL PASO, TEXAS, | § | No. 08-08-00237-CV        |
|                             | § |                           |
| Appellant,                  | § | Appeal from               |
|                             | § |                           |
| v.                          | § | County Court at Law No. 5 |
|                             | § |                           |
| MOMAR, L.P.,                | § | of El Paso County, Texas  |
|                             | § |                           |
| Appellee.                   | § | (TC # 2007-4830)          |
|                             | § |                           |

**MEMORANDUM OPINION**

Pending before the Court is an agreed motion to dismiss this appeal pursuant to TEX.R.APP.P. 42.1(a)(2) because the parties have entered into a settlement agreement and have agreed that the appeal should be dismissed. We grant the motion and dismiss the appeal. Because the motion does not reflect that the parties have made any agreement regarding costs, we assess costs against The City of El Paso. *See* TEX.R.APP.P. 42.1(d).

February 3, 2010

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ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Rivera, JJ.