

Dismissed; Opinion Filed October 15, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00937-CV

ROBERT KUBICEK AND 2205 ESTATES PARKWAY, LUCAS, TEXAS, IN REM,
Appellants
V.
CITY OF LUCAS, Appellee

On Appeal from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause No. 380-00147-2018

MEMORANDUM OPINION

Before Justices Pedersen, III, Reichel, and Carlyle
Opinion by Justice Carlyle

On appellants' unopposed motion to modify judgment, which we construe as a motion for rehearing, we withdraw our October 2, 2019 opinion and vacate our judgment of that date. This is now the opinion of the Court.

In response to request for briefing concerning our jurisdiction over this appeal, appellants have filed a letter informing the Court that "[t]he parties have reached and entered into a Rule 11 agreement" that includes dismissal of the appeal. We construe the letter as a motion, grant the motion, and dismiss the appeal. *See* TEX. R. APP. P. 42.1(a).

/Cory L. Carlyle/

CORY L. CARLYLE
JUSTICE

190937F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ROBERT KUBICEK AND 2205
ESTATES PARKWAY, LUCAS, TEXAS,
IN REM, Appellants

No. 05-19-00937-CV V.

CITY OF LUCAS, Appellee

On Appeal from the 380th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 380-00147-2018.
Opinion delivered by Justice Carlyle,
Justices Pedersen, III and Reichek
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

As agreed by the parties, we **ORDER** that each party bear its own costs of this appeal.

Judgment entered this 15th day of October, 2019.