

Dismiss and Opinion Filed September 27, 2022



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-22-00011-CV

SNIDER PLAZA ALLIANCE, Appellant

V.

THE CITY OF UNIVERSITY PARK, PATRICK BAUGH, IN HIS
OFFICIAL CAPACITY AS DIRECTOR OF COMMUNITY
DEVELOPMENT, AND JAMES E. STRODE, Appellees

On Appeal from the 160th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-21-14812

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Pedersen, III
Opinion by Justice Molberg

At issue in this appeal is whether Snider Plaza Alliance had standing to bring the underlying suit seeking declaratory and injunctive relief from City of University Park Ordinance No. 21-027. Asserting the ordinance has been repealed in full, appellees have filed a motion to dismiss the appeal as moot.¹

Mootness can occur at any stage of the proceedings, including the appeal. *In re Contract Freighters, Inc.*, 646 S.W.3d 810, 813 (Tex. 2022) (quoting *In re*

¹ The motion was filed September 6, 2022. To date, Snider Plaza Alliance has not filed a response.

Kellogg Brown & Root, Inc., 166 S.W.3d 732, 737 (Tex. 2005)). A case becomes moot when the controversy between the parties ceases to exist. *Id.* Once a controversy ceases to exist, a court cannot affect the parties' rights or interests and is prohibited from deciding the case. *See Heckman v. Williamson Cty.*, 369 S.W.3d 137, 162 (Tex. 2012).

Attached to appellees' motion is a copy of the ordinance that repealed Ordinance No. 21-027. Because Ordinance No. 21-027 has been repealed, no live controversy remains between the parties in this appeal. *See In re Contract Freighters*, 646 S.W.3d at 813; *see also Trulock v. City of Duncanville*, 277 S.W.3d 920, 927-28 (Tex. App.—Dallas 2009, no pet.) (appeal challenging constitutionality of ordinance became moot when ordinance repealed). Accordingly, we grant appellees' motion and dismiss the appeal.

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/Ken Molberg//
KEN MOLBERG
JUSTICE



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

JUDGMENT

SNIDER PLAZA ALLIANCE,
Appellant

No. 05-22-00011-CV V.

THE CITY OF UNIVERSITY
PARK, PATRICK BAUGH, IN HIS
OFFICIAL CAPACITY AS
DIRECTOR OF COMMUNITY
DEVELOPMENT, AND JAMES E.
STRODE, Appellees

On Appeal from the 160th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. DC-21-14812.
Opinion delivered by Justice
Molberg, Chief Justice Burns and
Justice Pedersen, III participating.

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

We **ORDER** that appellees The City of University Park, Patrick Baugh, in his Official Capacity as Director of Community Development, and James E. Strode recover their costs of this appeal from appellant Snider Plaza Alliance.

Judgment entered this 27th day of September 2022.