



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-18-00025-CV

Roderick **SANCHEZ**, In His Official Capacity as Director, Development Services Department,  
City of San Antonio, and Development Services Department, City of San Antonio,  
Appellants

v.

**BOARD OF ADJUSTMENT FOR THE CITY OF SAN ANTONIO** and  
Map Industries, L.L.C. d/b/a U-Pull It,  
Appellees

From the 285th Judicial District Court, Bexar County, Texas  
Trial Court No. 2015-CI-02439  
Honorable Peter A. Sakai, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: December 12, 2018

**JOINT MOTION TO ENTER AGREED JUDGMENT REVERSING IN PART GRANTED;  
AFFIRMED IN PART AND REVERSED AND RENDERED IN PART**

After a bench trial, the trial court rendered a final judgment in favor of appellees. The final judgment included an award of attorney's fees to Map Industries, L.L.C. d/b/a U-Pull It. Following rendition of judgment, appellants filed this appeal. After the clerk's and reporter's records were filed, appellants filed their brief. Thereafter, the parties entered into settlement negotiations and asked this court to abate the appeal pending completion of the settlement. We granted the

requested abatement and ordered appellants to file a status report or dispositive motion once the settlement was complete.

In accordance with our order, on December 3, 2018, the parties filed an agreed motion in which they advise that they have reached a settlement pursuant to which appellants have “agreed to forego pursuit of an appeal” if Map Industries, L.L.C. d/b/a U-Pull It “would forego any recovery of attorney’s fees.” As a result of these terms, the parties ask this court to reverse the portion of the trial court’s judgment with regard to the award of attorney’s fees and render judgment that Map Industries, L.L.C. d/b/a U-Pull It take nothing on its claim for attorney’s fees. Based on the parties’ motion and the language therein, the remainder of the trial court’s judgment would be affirmed. The parties have also agreed that costs should be taxed against the party incurring same, and ask that this court expedite this matter and direct the clerk of the court to immediately issue this court’s mandate.

After review, we grant the parties’ joint motion, reverse the portion of the trial court’s judgment awarding attorney’s fees to Map Industries, L.L.C. d/b/a U-Pull It, render judgment that Map Industries, L.L.C. d/b/a U-Pull It take nothing with regard to its claim for attorney’s fees, and affirm the remainder of the judgment. *See* TEX. R. APP. P. 42.1(2)(A); *id.* R. 43.2(c). We order that costs are to be taxed against the party incurring same. *See id.* R. 42.1(d). We further order the clerk of this court to issue this court’s mandate immediately. *See id.* R. 18.1(c).

PER CURIAM