

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00108-CV

City of Austin, Appellant

v.

Ryan-O Excavating, Inc., Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT
NO. GN300901, HONORABLE SCOTT H. JENKINS, JUDGE PRESIDING**

MEMORANDUM OPINION

The parties have informed this Court that they have agreed to settle this case, pending approval by appellant's governing body. Because the approval process is of uncertain duration, the parties request that this Court abate this appeal until the governing body approves the settlement.

Accordingly, we abate this appeal. If and when the governing body approves the settlement, the parties should move to reinstate this appeal and then move to dismiss it. If this appeal remains pending on September 1, 2005, the parties should file a report informing this Court of the status of the settlement process.

Bob Pemberton, Justice

Before Chief Justice Law, Justices B. A. Smith and Pemberton

Filed: May 27, 2005