



NUMBER 13-18-00145-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

THE CITY OF ELSA,

Appellant,

v.

PAUL GARZA D/B/A
PAUL GARZA ROOFING,

Appellees.

On Appeal from the 93rd District Court
of Hidalgo County, Texas.

MEMORANDUM OPINION

**Before Justices Contreras, Longoria, and Hinojosa
Memorandum Opinion by Justice Longoria**

Appellant, the City of Elsa, by and through its attorney, the Honorable David Campbell, has filed "Appellant's Agreed Motion to Dismiss and Render Judgment" pursuant to Rule 42.1 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.1(a)(2). It asserts that the parties have settled and resolved their dispute and that

they request that we (1) dismiss the appeal; (2) vacate the trial court's order and dismiss the case, "including the underlying case"; and (3) tax court costs against the party incurring same. The Court, having examined and fully considered the agreed motion, is of the opinion that it should be granted in part and denied in part. We grant the motion insofar as we render judgment effectuating the parties' agreement pursuant to Rule 42.1(a)(2) and we vacate the trial court's order and dismiss the underlying case. See *id.* We further tax costs against the party incurring same. We deny the motion insofar as the appellate rules do not allow us to both render judgment and dismiss the appeal. Compare TEX. R. APP. P. 42.1(a)(2) with *id.* R. 42.1(a)(1). Having dismissed the case at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith. See *id.* R. 43.2.

NORA L. LONGORIA
Justice

Delivered and filed the
6th day of September, 2018.