

SETTLEMENT AGREEMENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This Agreement is executed by and between Harris County (the “County”) and Gary Scherer. The County and Gary Scherer are referred to herein collectively as “Parties” and individually as a “Party.”

The County engaged in a construction project which led to a contractor damaging Gary Scherer’s property. The County is willing to pay Gary Scherer for damages to the property during the period from August 1, 2021, to July 5, 2022 (the “Damages”).

WHEREAS, the Parties hereto agree to settle the outstanding issues between them as follows:

I.     Indemnification and Release

By executing this Release in order to receive the benefit of the mutual agreement reached, Gary Scherer is waiving and releasing the County, its Commissioners, officials, employees, agents, and assigns from any and all claims, damages, actions, suits in equity, or causes of action, of whatsoever nature, whether now or not presently known to the Parties because of any matter or thing done or omitted concerning or relating to the issues surrounding the Services, which includes any and all lawsuits, whether pending or in the future, against the County, its Commissioners, officials, employees, agents, or assigns.

II.    Consideration

As full compensation for the benefits of this Release and as compensation for the Damages, the County agrees to pay Ten Thousand Seven Hundred Twenty and 00/100 Dollars (\$10,720.00). Notwithstanding anything to the contrary, or that may be construed to the contrary, the County’s liability under the terms and provisions of this Agreement is limited to this sum.

III.   Miscellaneous

This instrument, together with the instruments incorporated herein by reference, contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect. Only a written instrument executed by representatives duly authorized by the governing body or legal representatives of the Parties hereto may amend this Agreement.

This Agreement shall be governed and construed in accordance with the laws of the State of Texas and any applicable Federal laws, regulations and policies. In the event of any

dispute arising under this Agreement, venue shall be proper in a court of competent jurisdiction in Houston, Harris County, Texas, exclusively.

Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body that may be a party hereto.

IN WITNESS WHEREOF, this instrument has been executed in duplicate originals, each of equal force, on behalf of the Harris County by a duly authorized representative of Harris County pursuant to the approval of the Harris County Commissioners Court, and by Gary Scherer.

GARY SCHERER

By: *Gary Scherer*

Date: 08-19-22

HARRIS COUNTY

By: \_\_\_\_\_

LINA HIDALGO  
County Judge

APPROVED AS TO FORM:  
CHRISTIAN D. MENEFEE  
COUNTY ATTORNEY

By: *Philip Berzins*

Philip Berzins

Assistant County Attorney  
C.A. File 22GEN2641

ORDER OF COMMISSIONERS COURT  
Authorizing the execution of a settlement agreement

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the \_\_\_\_ day of \_\_\_\_\_, 2022 with all members present except \_\_\_\_\_.

A quorum was present. Among other business, the following was transacted:

ORDER AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN  
HARRIS COUNTY AND GARY SCHERER

Commissioner \_\_\_\_\_ introduced an order and made a motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Vote of the Court	Yes	No	Abstain
Judge Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED that: Harris County Commissioners Court hereby authorizes the execution of a settlement agreement between Harris County and Gary Scherer for damages to the property during the period from August 1, 2021, to July 5, 2022.

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.