



Legislation Details (With Text)

**File #:** 22-5557      **Version:** 1      **Name:**

**Type:** Financial Authorization      **Status:** Passed

**File created:** 9/6/2022      **In control:** Commissioners Court

**On agenda:** 9/13/2022      **Final action:** 9/13/2022

**Title:** Request for approval of a Settlement Agreement in the amount of \$10,720.00 with Gary Scherer (landowner) for damages to the property on Tract 2 in connection with the Emerald Forest Subdivisions Road and Drainage Improvements (Cypress Place - Ph I) Project, UPIN 21289MF21501, Precinct 3.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 22-5557 Settlement Agreement - Gary Scherer P2.pdf

Date	Ver.	Action By	Action	Result
9/13/2022	1	Commissioners Court		
9/13/2022	1	Commissioners Court		

**Department:** County Engineer

**Department Head/Elected Official:** Milton Rahman, PhD, P.E., PMP, CFM, County Engineer

**Regular or Supplemental RCA:** Regular RCA

**Type of Request:** Financial Authorization

**Project ID (if applicable):** UPIN 21289MF21501

**Vendor/Entity Legal Name (if applicable):** Gary Scherer (landowner)

**MWDBE Contracted Goal (if applicable):** N/A

**MWDBE Current Participation (if applicable):** N/A

**Justification for 0% MWDBE Participation Goal:** N/A - Goal not applicable to request

**Request Summary (Agenda Caption):**

Request for approval of a Settlement Agreement in the amount of \$10,720.00 with Gary Scherer (landowner) for damages to the property on Tract 2 in connection with the Emerald Forest Subdivisions Road and Drainage Improvements (Cypress Place - Ph I) Project, UPIN 21289MF21501, Precinct 3.

**Background and Discussion:**

Cypress Place Phase II project is in the northwest Harris County in the Emerald Forest Subdivision. Cypress Place currently consists of an open roadside drainage ditch system that drains to an existing HCFCD Channel E132-02-00. Planned drainage improvements include new underground storm sewer along Cypress Place Dr. along with upsizing the driveway culverts where required and regrading the roadside ditches to improve the drainage for localized flooding events in the neighborhood. The County engaged in a construction project (Phase I) which led to a contractor damaging Gary Scherer’s property. The contractor has not paid Gary

Scherer after multiple attempts and are currently facing legal issues, therefore, we don't believe the contractor will ever pay for the damages. The County is willing to pay Gary Scherer for the damages to the property from August 1, 2021, to July 5, 2022. This agreement outlines the settlement terms of both parties.

**Expected Impact:**

This project seeks to reduce flood risk and strengthen resiliency in Harris County by assisting in the alleviation of structural flood damage to homes in the community. This roadway easement acquisition is a step in the process to reduce the financial, physical, and emotional burden flood damage places on homeowners and will reduce the financial impact of recovery costs to the Cypress Place subdivision homeowners, Harris County, and FEMA. The fiscal impact for this project will come from the 1080 Funding for the Recovery and Resiliency Division subdivision projects with the long-term goal of reducing drainage costs in the future. No impact to project schedule or staffing anticipated.

**Alternative Options:**

No alternative option for this project is possible other than performing no additional work. However, in this area, the subdivision will continue to be a risk of flooding and structural damage to homes in the community.

**Alignment with Goal(s):**

- Justice and Safety
- Economic Opportunity
- Housing
- Public Health
- Transportation
- Flooding
- Environment
- Governance and Customer Service

**Prior Court Action (if any): N/A**

Date	Agenda Item #	Action Taken

**Location:**

Address (if applicable): 11702 Cypress Place Drive, Houston, Texas 77065  
Precinct(s): Precinct 3

<b>Fiscal and Personnel Summary</b>			
Service Name	Settlement for property damages		
	SFY 22	FY 23	Next 3 FYs
<b>Incremental Expenditures (do NOT write values in thousands or millions)</b>			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$10,720.00	\$	\$
<b>Total Incremental Expenditures</b>	<b>\$10,720.00</b>	<b>\$</b>	<b>\$</b>

<b>Funding Sources (do NOT write values in thousands or millions)</b>			
<b>Existing Budget</b>			
1080 - Infrastructure Fund	\$10,720.00	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Current Budget</b>	<b>\$10,720.00</b>	<b>\$</b>	<b>\$</b>
<b>Additional Budget Requested</b>			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Additional Budget Requested</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Total Funding Sources</b>	<b>\$10,720.00</b>	<b>\$</b>	<b>\$</b>
<b>Personnel (Fill out section only if requesting new PCNs)</b>			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
<b>Total Personnel</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Anticipated Court Date:** September 13, 2022

**Anticipated Implementation Date (if different from Court date):** September 13, 2022

**Emergency/Disaster Recovery Note:** Not an emergency, disaster, or COVID-19 related item

**Contact(s) name, title, department:** Nate Wilson, Senior Team Lead Project Manager, Recovery and Resiliency Division, Harris County Engineering Department

**Attachments (if applicable):** Settlement Agreement