



Legislation Details (With Text)

**File #:** 23-0637      **Version:** 1      **Name:**

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

**File created:** 1/23/2023      **In control:** Commissioners Court

**On agenda:** 1/31/2023      **Final action:** 1/31/2023

**Title:** Request for approval of a settlement in connection with Park at West Creek, LP v. Harris County, Texas; Cause No. 2016-32867; In the 80th District Court of Harris County, Texas; CAO File No. 16TRL0181.

**Sponsors:** Bridget Johnson

**Indexes:**

**Code sections:**

**Attachments:** 1. Order -Park at West Creek, LP v. HC 1-31-23

Date	Ver.	Action By	Action	Result
1/31/2023	1	Commissioners Court		

**Department:** County Attorney

**Department Head/Elected Official:** Christian D. Menefee

**Regular or Supplemental RCA:** Regular RCA

**Type of Request:** Financial Authorization

**Project ID (if applicable):** N/A

**Vendor/Entity Legal Name (if applicable):** N/A

**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 in connection with Park at West Creek, LP v. Harris County, Texas; Cause No. 2016-32867; In the 80<sup>th</sup> District Court of Harris County, Texas; CAO File No. 16TRL0181.

**Background and Discussion:**

The above is a declaratory judgment action filed against Harris County, Texas regarding the existence of a non-exclusive permanent access easement across property owned by Harris County, Texas at 2223 West Loop South off of the northbound frontage road of the west 610 Loop. The property is currently utilized by Harris County for the "RTC" building. The allegation is that in 1973, a non-exclusive access easement was created for the benefit of the interior parcel of land immediately adjacent to the west of the RTC building, currently utilized by the Park at West Creek as an apartment complex. The Park at West Creek sought to have a judicial declaration that the access easement still existed and wanted to use it for access. At present, this area is the driveway for the RTC building and contains some parking spots and a small picnic recreational area. The boundary between the RTC building and the Park at West Creek's land is currently fenced off with a wooden fence. This settlement would ratify the existence of this easement and allow the Park at West Creek to construct the improvements necessary for the creation of a driveway which would allow the residents of

the Park at West Creek to access the Park’s property via the access easement from the west 610 Loop northbound frontage road. In consideration, the Park at West Creek agrees to pay Harris County \$ 45,000.00. The Real Property Division participated in the settlement negotiations and this settlement is acceptable to them. Resolution of this claim by settlement is in the best interest of Harris County because it resolves with finality the question of whether and to what degree a private entity, Park at West Creek, is authorized continued access across this county-owned property. An order authorizing the settlement of this lawsuit is attached for use by the Court if it decides it would be in the best interest of the County to settle this claim.

**Expected Impact:** N/A

**Alternative Options:** N/A

**Alignment with Goal(s):** N/A

- 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:** N/A

Address (if applicable):

Precinct(s): Choose an item.

Fiscal and Personnel Summary			
Service Name			
	FY 23	FY 24	Next 3 FYs
<b>Incremental Expenditures (do NOT write values in thousands or millions)</b>			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$	\$	\$
<b>Total Incremental Expenditures</b>	\$	\$	\$
<b>Funding Sources (do NOT write values in thousands or millions)</b>			
Existing Budget			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Current Budget</b>	\$	\$	\$

Additional Budget Requested			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Additional Budget Requested</b>	\$	\$	\$
<b>Total Funding Sources</b>	\$	\$	\$
<b>Personnel</b> (Fill out section only if requesting new PCNs)			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
<b>Total Personnel</b>	-	-	-

**Anticipated Court Date:** N/A

**Anticipated Implementation Date (if different from Court date):** N?A

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

**Contact(s) name, title, department:** Bridget Johnson, Executive Assistant General Counsel, Office of the County Attorney Christian D. Menefee

**Attachments** (if applicable): Order