



RESOLUTION NO. 24-31

RESOLUTION AUTHORIZING HARRIS COUNTY HOUSING AUTHORITY, IN ITS CAPACITY OF BEING THE SOLE MEMBER OF HCHA BAMMEL, LLC, AUTHORIZES ITS EXECUTIVE DIRECTOR AS MANAGER OF HCHA BAMMEL, LLC, THE GENERAL PARTNER OF TX BAMMEL HOUSING, L.P., A TEXAS LIMITED PARTNERSHIP AND OWNER OF HERITAGE ESTATES APARTMENTS TO EVALUATE, NEGOTIATE, AND EXECUTE A WATERLINE EASEMENT ACROSS A PORTION OF THE REAL PROPERTY SITE TO INDEPENDENTLY OWNED DAIRY QUEEN STORE #4021

WHEREAS, Dairy Queen Store #4021 is an independently owned franchise (“Owner”), and

WHEREAS, Dairy Queen Store #4021 is a 40-year restaurant located in Northwest Houston that currently receives water through a well water system whose Owner now desires to connect directly to the Bammel Utility District’s (“District”) water main located on or inside the boundary of Heritage Estates Apartments; and

WHEREAS, Dairy Queen’s Owner contacted the Harris County Housing Authority (“HCHA”) requesting the granting of an easement across the south end of a development project owned by TX Bammel Housing, L.P., a Texas Limited Partnership for the purpose of gaining access to and connecting to the water main owned by Bammel Utility District (the “District”); and

WHEREAS, Owner also contacted and made request to the District requesting to be annexed into the District for the purpose of receiving water services and

WHEREAS, the District’s Board did not approve Dairy Queens’s original request to tap into the water line owned by TX Bammel Housing, L.P. (Heritage Estates Apartments), but alternatively approved Dairy Queen to establish its own account and connect to a separate water meter located outside of the boundary line of Heritage Estate via a West Road Right of Way (ROW); and

WHEREAS, the Heritage Estate Apartments is an affordable housing development owned by TX Bammel Housing, L.P. which development is located on land owned by HCHA, which land is leased by HCHA to TX Bammel Housing, L.P., under a long-term ground lease; and

WHEREAS, HCHA Bammel LLC is a manager managed Texas limited liability company created by the Harris County Housing Authority and is the General Partner of TX Bammel Housing L.P.; and

WHEREAS, HCHA, as the sole member of HCHA Bammel LLC, can provide the authority to its Executive Director in her capacity as a Manager of HCHA Bammel LLC to evaluate, negotiate, and execute a waterline easement; and

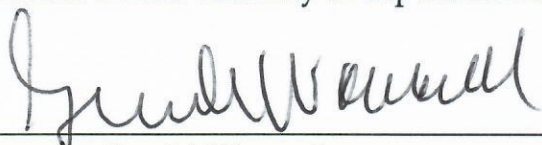
WHEREAS, Dairy Queen would require an easement from HCHA to run a line from its dedicated water meter across a small portion of Heritage Estates to connect to the water main owned by the District; and

WHEREAS, Authority is provided through TX Loc. Govt Code §392.056 to HCHA to sell a real property interest, and HCHA is willing to convey the requested easement provided that it receives at least fair market value for the easement and further provided that the sale conforms to reasonably prudent real estate practices; and

WHEREAS, the fair market value of the requested easement is to be determined by a written appraisal prepared by a duly licensed appraiser at Owner's sole cost, which written appraisal is to be reviewed and approved by HCHA's Executive Director.

NOW, THEREFORE, BE IT RESOLVED that HCHA's Board of Commissioners authorizes its Executive Director, in her capacity as Executive Director of HCHA and as a Manager of HCHA Bammel, LLC., to evaluate, negotiate, and execute a water line Easement to Dairy Queen Store # 4021 and to do all things necessary or appropriate, as determined by the Executive Director in her reasonable judgment, to grant the Water Line Easement.

PASSED by the Board of Commissioners on this 18th day of September 2024.

Chair: 
Gerald Womack

Secretary: 
Melissa Quijano