

WEBB COUNTY
TAKINGS IMPACT ASSESSMENT FORM

This form has been established by the Webb County Commissioners Court in an effort to comply with the assessment requirements mandated by the Texas Private Real Property Preservation Act adopted under Chapter 2007, Texas Government Code.

Identify the Proposed Action and Give a Brief Description:

Proposed revisions and updates to the March 25, 2008 Webb County Flood Damage Prevention Order to integrate regulations relating to floodways, clarify or streamline floodplain management procedures, incorporate more stringent flood-safety measures for critical facilities and development in Approximate A Zones, and other amendments to ensure Webb County's floodplain management regulations meet or exceed the minimum requirements of the National Flood Insurance Program (NFIP), Texas State law, and adjacent communities participating in the NFIP.

Copies of the proposed order are available with the contact person identified below.

County Department: **Webb County Planning Department**

Contact Person: **Rhonda M. Tiffin, Director** Phone: **(956) 523-4100**

Address: **1110 Washington St., Suite 302 Laredo, Texas 78040**

Section 1. Stated Purpose

The proposed revisions to the Webb County Flood Damage Prevention Order have been developed to provide adequate land use controls to enhance local floodplain management regulations to promote public health, safety and general welfare; minimize public and private losses due to flood conditions; provide increased flood protection for critical facilities; clarify or streamline existing procedures; and to ensure local regulations meet or exceed the minimum requirements of the National Flood Insurance Program (NFIP) and Texas State law. The proposed revisions are consistent with the provisions of Chapter 16, Subchapter I of the Texas Water Code; Chapter 232, Subchapter B of the Texas Local Government Code and meet or exceed the minimum requirements of the NFIP.

Section 2. The Nature of the Action (please circle yes or no).

A takings impact assessment is required only for two types of governmental actions. State whether the proposed action is one of the following:

A. *the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure; or*

B. *an action that imposes a physical invasion or requires a dedication of private real property (please circle yes or no);*

YES

NO

If you answered yes to this question, go to Section 3. If you answered no, this TIA has been completed. Check "Not a Covered Action is Section 8.

Section 3. Potential effect on Private Property (please circle yes or no).

- A. Does the county action require a physical invasion, occupation or dedication of real property?

YES NO

- B. Does the County action limit or restrict a real property right, even partially or temporarily?

YES NO

If you answered yes to either question, go to Section 4. If you answered no to both, this TIA has been completed. Check "No Impact on Private Real Property" in Section 8.

Section 4. Exemptions (please circle yes or no)

- A. Is the action a formal exercise of the power of eminent domain?

YES NO

- B. Is the action taken to fulfill an obligation mandated by state or federal law?

YES NO

- C. Is the action taken to prohibit or restrict a public or private nuisance?

YES NO

- D. Is the action taken to prevent a grave and immediate threat to life or property?

YES NO

- E. Is the action 1) taken in response to a real and substantial threat to public health and safety, 2) designed to significantly advance the health and safety purpose, and 3) one that does not impose a greater burden than necessary to achieve the health and safety purpose?

YES NO

- F. Is the action taken to regulate construction in a floodplain?

YES NO

G. Is the action taken to regulate on-site sewage facilities?

YES

NO

H. Is the action taken pursuant to the county's statutory authority to prevent waste or protect rights of interest in groundwater?

YES

NO

I. Does the action simply discontinue or modify a program or regulation that provided a benefit which does not rise to the level of a recognized interest in private real property?

YES

NO

If you answered yes to any question in Section 4, the TIA has been completed. Check "Proposed Action is Exempt" in Section 8, and provide explanation in the space provided below. If you answered no to all questions above, complete the analyses requested in Section 5 below and check "Proposed Action Fully Assessed for impact of Private Property" in Section 8.

Explanation: The Webb County Flood Damage Prevention Order and the contemplated proposed revisions are regulatory actions that are exempt from the applicability provisions of the Texas Private Real Property Rights Preservation Act pursuant to Sections §§2007.003 (b)(4), (b)(6), (b)(7), (b)(11), and (b)(13)(A) of the Texas Government Code. The proposed revisions enhance or clarify land use controls to regulate development in flood-prone areas consistent with the minimum requirements of the National Flood Insurance Program (NFIP) and state law. The revisions to the county's floodplain regulations will address a real and substantial threat to life and property and will significantly advance the health and safety purpose by regulating construction in areas of special flood hazard.

Section 5. ~~Analysis of Purpose, Burdens and Benefits (Not applicable)~~

~~A. Referring to the purpose of the county action in Section I above, state how the action achieves or advances its purpose.~~

~~B. Describe the benefits to society resulting from the county action.~~

~~C. Describe the burdens that may be imposed on private real property by the county action.~~

~~In assessing the proposed action for its potential to burden private real property, consider the following:~~

~~1. Whether the proposed action will result indirectly or directly in a permanent or temporary physical occupation of private real property;~~

- ~~2. Whether the proposed action requires a property owner to dedicate property or grant an easement;~~
- ~~3. Whether the proposed action deprives the owner of all economically viable use of his property;~~
- ~~4. Whether the proposed action denies the owner the right to possess his real property, enjoy it, exclude others from it or sell it; and~~
- ~~5. Whether the proposed action will serve to reduce the market value of the owner's property.~~

~~**Section 6. Alternatives**~~

- ~~A. Describe alternative actions that could accomplish the same purpose as the proposed action.~~
- ~~B. Would these alternatives impose a lesser burden on the property which is the subject of the proposed action?~~

~~**Section 7. Potential Impact on Value (please circle yes or no)**~~

- ~~A. Will the county action reduce the market value of any parcel of private real property by 25% or more?~~

~~_____ YES _____ NO~~

~~Please explain how you reached this conclusion, including whether a real estate appraiser or other expert consultant was utilized.~~

~~If the answer to Question A is "YES", the proposed action could constitute a taking of the affected property. The county should estimate the amount that the property value will be reduced, and consider that prior to taking the proposed action.~~

Section 8. Conclusion:

_____ Not a Covered Action

_____ No Impact on Private Real Property

XX **Proposed Action is Exempt**

_____ Proposed Action Fully Assessed for Potential Impact on Private Property