

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:

Webb County's proposed adoption of an "Order Regulating Coin-Operated Machines and Game Rooms" pursuant to the authorities of Chapter 234, Subchapter E, Texas Local Government Code and Chapter 2153, Subchapter I, Texas Occupations Code.

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

County Department: Webb County Planning & Physical Development Department

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

Address: _____

I. Stated Purpose

The proposed Order has been developed and proposed to promote the public health, safety and welfare of Webb County citizens by regulating the operation, location and number of game rooms in Webb County, Texas pursuant to the authority of Chapter 234, Subchapter E, Texas Local Government Code and sets out uniform regulation of coin-operated machines subject to taxation pursuant to the authority of Chapter 2153, Subchapter I, Texas Occupations Code.

II. 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 III. If you answered no, this TIA has been completed. Check "Not a Covered Action is Section VIII.

III. 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 IV. If you answered no to both, this TIA has been completed. Check "No Impact on Private Real Property" in Section VIII.

IV. 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?

I.

YES

NO

- J. 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 IV., the TIA has been completed. Check "Proposed Action is Exempt" in Section VIII, and provide explanation in the space provided below. If you answered no to all questions above, complete the analysis requested in Section V below and check "Proposed Action Fully Assessed for impact of Private Property" in Section VIII.

Explanation:

As set out in testimony before the Texas Legislature in the 83rd and 84th Legislative Sessions, with the rise in the number of unregulated game rooms throughout the state, there has been an associated increase in criminal activity and adverse secondary effects, including but not limited to personal and property crimes, gambling offenses, weapon offenses, illicit drug use and drug trafficking. Such unregulated business activities has led to decreased public safety and negative impacts to surrounding properties, schools, and residential neighborhoods.

With further increases in adverse secondary effects of such unregulated game room businesses and their migration into rural counties, the 86th Texas Legislature enacted HB _____, to extend regulatory authority of game rooms to all counties of the State of Texas.

The proposed adoption of the Webb County Order Regulating Coin-Operated Machines and Game Rooms under the authority of Chapter 234, Subchapter E, Texas Local Government Code, promotes the public health, safety and welfare of Webb County citizens by regulating the operation, location and number of game rooms in Webb County, Texas. Moreover, in an effort to ensure uniform regulation and conformity in local policies, the Order merges pre-existing policies for coin-operated machines pursuant to the authority of Chapter 2153, Subchapter I, Texas Occupations Code.

The proposed Webb County Order Regulating Coin-Operated Machines and Game Rooms have been designed to lessen threats to public safety, advance the public safety purpose and do not impose burdens greater than

necessary to limit dangers to life and property and results in a reduction of public nuisances characteristic with the operation of such businesses.

~~V. Analysis of Purpose, Burdens and Benefits (N/A)~~

~~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.~~

~~VI. Alternatives (N/A)~~

~~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?~~

~~VII. Potential Impact on Value (N/A)~~

~~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.~~

VIII. Conclusion:

- Not a Covered Action
- No Impact on Private Real Property
- Proposed Action is Exempt**
- Proposed Action Fully Assessed for Potential Impact on Private Property

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