

**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:*

**An Ordinance of the Webb County Commissioners Court identifying and designating areas of the county which are suitable or unsuitable for municipal or industrial solid waste disposal pursuant to the authority granted by Chapters 363 and 364, Texas Health and Safety Code.**

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

County Department: **Webb County Planning Department**

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

Address: **1110 Washington, Suite 302, Laredo, TX 78040**

*A copy of the proposed order is also available for downloaded from the following web address:*

**<http://www.webbcountytexas.gov/>**

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*I. Stated Purpose*

**The proposed Ordinance and Rules have been developed to preserve and protect the public health, safety, and welfare of the residents of Webb County, Texas through the designation of areas which are suitable or unsuitable for municipal or industrial solid waste disposal.**

*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?*

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 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:*

**Sections 363.112 and 364.012 of the Texas Health and Safety Code authorize a county to prohibit the disposal of municipal or industrial solid waste in areas of the county in which the disposal would be a threat to public health, safety, and welfare.**

**The proposed Ordinance prohibiting municipal or industrial solid waste disposal in Webb County identifies specific areas in the county which must be protected from the adverse effects and threats to public health, safety and welfare characteristic with the operation and long-term impact of disposal sites. Sensitive areas that have been set out for protection include the watershed of the Casa Blanca Lake Reservoir, Special Flood Hazard Areas (floodplains), wetlands, water wells, and residential areas. The Ordinance has been designed to lessen public and private nuisances, advance the public health purpose, regulate and protect floodplain areas and wetlands, prevent waste and protect rights of interest in groundwater, and does not impose burdens greater than necessary by establishing areas of the county in which solid waste disposal is not prohibited. Additionally, the Ordinance mirrors the Environmental Protection Agency's location restrictions enacted under 40 CFR, Subpart B, §258.10-258.16 thereby ensuring conformance with federal requirements.**

~~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

**XX Proposed Action is Exempt**

\_\_\_\_\_ Proposed Action Fully Assessed for Potential Impact on Private Property