

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 Order of the Webb County Commissioners Court establishing provisions for Solid Waste Management as mandated by Section 363.113 of the Texas Health and Safety Code, and authorized pursuant to the County Solid Waste Control Act, codified as Texas Health and Safety Code, Chapter 364.

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

County Department: Planning Department

Contact Person: Ms. Rhonda M. Tiffin, CFM

Phone: (956) 523-4100

Address: 1110 Washington Street, Ste. 302, Laredo, Texas 78040

I. Stated Purpose

The proposed Order and Rules have been developed for the safe and economical collection, transportation, and disposal of solid waste in areas of Webb County, not in a municipality, or the extraterritorial jurisdiction of a municipality.

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:

Section 363.113 of the Texas Health and Safety Code, mandates that counties with a population of more than 30,000 shall review the provision of solid waste management services in its jurisdiction and shall assure that those services are provided to all persons in its jurisdiction by a public agency or private person.

The proposed Order Adopting Rules for the Management of Solid Waste complies with the mandate established by Section 363.113 of the Texas Health and Safety Code by establishing rules for solid waste collection, handling, storage and disposal within its jurisdiction. The proposed order for the Management of Solid Waste has been designed to lessen public nuisances, advances the public health purpose and does not impose burdens greater than necessary to limit dangers to life and property and reduce public nuisance characteristic of unregulated solid waste.

~~V. Analysis of Purpose, Burdens and Benefits - **SECTION 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.~~

~~VI. Alternatives - **SECTION NOT APPLICABLE**~~

~~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~~ - **SECTION NOT APPLICABLE**

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