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Donna Wright

**PUBLIC NOTICE**

County Clerk, Howard County, Texas


By Donna Wright

Howard County, Texas ("County") by and through its Commissioners Court hereby gives notice under Chapter 2007 of the Texas Government Code ("Chapter 2007"), that the County enacted, adopted and approved a takings impact assessment ("TIA") at the May 28, 2013 public meeting of the Howard County Commissioners Court regarding the following proposed governmental action ("project" or "order"): the final enactment, adoption, and approval of the proposed Flood Damage Prevention Order for Howard County, Texas. The County proposes to enact, adopt, and approve said order after compliance with all notice procedures required by law. The proposed order and the TIA may be inspected and copies thereof obtained at the Office of the County Clerk, Howard County, Texas, Howard County Courthouse, 300 Main Street, Big Spring, Texas 79720. The proposed order may be revised prior to final governmental action and adoption by the County.

The County made the following determinations in the TIA. The County is a covered governmental entity under Chapter 2007; however, the project and proposed order are exempt from coverage under or application to Chapter 2007. Further, the purposes of the project and proposed order, among other things, are to promote the public health, safety and general welfare and to minimize public and private losses in the unincorporated areas of the County due to flooding by provisions designed to: (a) protect human life and health; (b) minimize expenditure of public money for costly flood control projects; (c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (d) minimize prolonged business interruptions; (e) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in or near floodplains; (f) help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; (g) ensure that potential buyers are notified that property is in a flood area; and (h) regulate construction and other development in the floodplain as authorized by federal and state law. The enactment, adoption, approval, and enforcement of the proposed order and project shall accomplish, advance, and substantially achieve all public purposes described in the TIA and proposed order as authorized by federal and state law. As stated in the TIA: (a) the proposed order and project are exempt from coverage under or application to Chapter 2007; (b) no new public interests are purported to be created, established, or transferred to the County by the proposed order and project; (c) no new burdens or restrictions are imposed or created by the proposed order and project with respect to any private real property; and (d) no taking of private real property or rights in private real property as defined by Chapter 2007 will occur as a result of the proposed order and project. The proposed order and project are authorized to be enacted, adopted, approved, and enforced by the County pursuant to the express and implied authority under federal and state law as described in the TIA and proposed order.

Therefore, a "No Private Real Property Impact Determination" was made by the County in the TIA pursuant to Chapter 2007. The County hereby gives notice of its intent to engage in the proposed governmental action.

SIGNED on the 28 day of May, 2013.

  
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Mark J. Barr, County Judge  
Howard County, Texas