



# JOHNSON COUNTY

## COMMISSIONERS COURT

**Christopher Boedeker**  
County Judge

**Rick Bailey**  
Commissioner  
Precinct 1

**Kenny Howell**  
Commissioner  
Precinct 2

**Mike White**  
Commissioner  
Precinct 3

**Larry Woolley**  
Commissioner  
Precinct 4

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**THE STATE OF TEXAS**  
  
**COUNTY OF JOHNSON**

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§

**ORDER 2025-18**

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**ORDER ADOPTING TAKINGS IMPACT ASSESSMENT FOR  
MAJOR THOROUGHFARE PLAN FOR JOHNSON COUNTY, TEXAS**

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**WHEREAS**, on this the 24<sup>th</sup> day of March, 2025, the Commissioners Court of Johnson County, being duly convened at a regularly called meeting of the Commissioners Court, adopted by Order a Major Thoroughfare Plan for Johnson County, Texas; and

**WHEREAS**, notice of this Order regarding a Takings Impact Assessment for Major Thoroughfare Plan for Johnson County, Texas was published in a newspaper of general circulation prior to the date of the meeting at which this Order was adopted; and

**WHEREAS**, Johnson County had engaged the services of a professional engineering firm to perform a Takings Impact Assessment ((TIA) related to the Major Thoroughfare Plan for Johnson County; and

**WHEREAS**, the Takings Impact Assessment for Major Thoroughfare Plan for Johnson County, Texas is as follows:

**PURPOSE AND INTENT**

Johnson County, Texas, acting through the Johnson County Commissioners Court (hereafter “County”) is proposing to adopt a Major Thoroughfare Plan (hereafter “Proposed Thoroughfare Plan”, “Proposed Plan” or “Plan”) for the County. The Proposed Thoroughfare Plan will include specification of County and Commissioners Court authority to define and implement its plan for the development of roads and highways within County jurisdictional areas, including but not limited to the following:

- Functional classification of roads.
- Technical specifications regarding roadway design.
- Widths of roadways and road rights-of-way.
- Policy for determining applicable right-of-way width.

This Takings Impact Assessment (hereafter “TIA”) is intended to satisfy the statutory requirements of the Texas Private Real Property Rights Preservation Act (the “Act” or PRPRPA) regarding the Proposed Plan.

## **REGULATORY BACKGROUND**

### **General Principles in the Law of Regulatory Takings**

The U.S. Supreme Court and the Texas Supreme Court have formulated a standard for determining when a governmental regulation of private property goes so far as to become a taking. At present, the U.S. Supreme Court and Texas Supreme Court have adopted the following basic legal principles concerning the law of regulatory takings:

- Possible remedies for a regulatory taking are to invalidate the offending regulation or to make the governmental entity liable for monetary damages.
- In defending a challenge to a regulation, the governmental entity must show that the regulation substantially advances a legitimate state interest. A legitimate state interest has been liberally interpreted to include such things as protecting residents from the “ill effects of urbanization” and the preservation of desirable aesthetic features.
- A compensable regulatory taking occurs when a land use regulation either (1) denies the landowner all economically viable uses of the property, or (2) unreasonably interferes with the owner’s right to use and enjoy his property. The Texas Supreme Court has held that a land use regulation denies a landowner all economically viable uses of the property if the regulation renders the property valueless.
- In determining whether a governmental regulation unreasonably interferes with an owner’s right to use and enjoy his property, a court must evaluate two factors: (1) the economic impact of the regulation (i.e., comparing the value that has been taken from the property with the value that remains), and (2) the extent to which the regulation interferes with existing or already permitted land uses is more likely to be considered a regulatory taking than a regulation which interferes with speculative uses or the landowner’s asserted entitlement to the highest and most valuable use of every piece of his property.
- In the case of governmental exactions, the required dedication for public use or of public facilities must be roughly proportional to the actual need for those public facilities which is generated by the proposed development. For example, the amount of roadway required to be dedicated by the developer must be reasonably commensurate to the amount of traffic generated by the new development.

The County recognizes the need to comply with the general principles regarding takings or other exactions as reflected in applicable state or federal laws, court rulings and the Texas Real Property Rights Preservation Act.

## **The Texas Real Property Rights Preservation Act (the “Act”)**

In 1995, the Legislature enacted the Act, which is codified in Chapter 2007 of the Texas Government Code (TGC). The overriding purpose of the Act was to ensure that governmental entities in Texas take a “hard look” at the effects on private real property rights of the regulations they adopt.

### **Definition of a Regulatory Taking Pursuant to the Act**

The following information is taken from a guidance document prepared by the State of Texas Office of the Attorney General (OAG). The Act [specifically TGC §2007.002(5)] defines a “taking” as follows:

*(a) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or*

*(b) a governmental action that:*

*(1) affects an owner’s private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner’s right to the property that would otherwise exist in the absence of the governmental action; and*

*(2) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.*

The Act, in TGC §2007.002, thus sets forth a definition of “taking” that (i) incorporates current jurisprudence on “takings” under the United States and Texas Constitutions, and (ii) sets forth a new statutory definition of “taking.” Essentially, if a governmental entity takes some “action” covered by the Act and that action results in a devaluation of a person’s private real property of 25% or more, then the affected party may seek appropriate relief under the Act. Such an action for relief would be predicated on the assumption that the affected real property was the subject of the governmental action.

TGC §2007.003(a) provides that the Act applies only to the following governmental actions:

*(1) the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure;*

(2) *an action that imposes a physical invasion or requires a dedication or exaction of private real property;*

(3) *an action by a municipality that has effect in the extraterritorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces an ordinance, rule, regulation, or plan that does not impose identical requirements or restrictions in the entire extraterritorial jurisdiction of the municipality; and*

(4) *enforcement of a governmental action listed in Subdivisions (1)-(3), whether the enforcement of the governmental action is accomplished through the use of permitting, citations, orders, judicial or quasi-judicial proceedings, or other similar means.*

The requirement to do a TIA only applies to §2007.003(a)(1)-(3).

### **Governmental Actions Exempted From the Act**

There are certain governmental actions exempted by the Act. The following actions are exempted from coverage of the Act under §2007.003(b):

(1) *an action by a municipality except as provided by subsection (a)(3);*

(2) *a lawful forfeiture or seizure of contraband as defined by Article 59.01, Code of Criminal Procedure;*

(3) *a lawful seizure of property as evidence of a crime or violation of law;*

(4) *an action, including an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by federal law or an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by state law;*

(5) *the discontinuance or modification of a program or regulation that provides a unilateral expectation that does not rise to the level of a recognized interest in private real property;*

(6) *an action taken to prohibit or restrict a condition or use of private real property if the governmental entity proves that the condition or use constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state;*

(7) *an action taken out of a reasonable good faith belief that the action is necessary to prevent a grave and immediate threat to life or property;*

(8) *a formal exercise of the power of eminent domain;*

*(9) an action taken under a state mandate to prevent waste of oil and gas, protect correlative rights of owners of interests in oil or gas, or prevent pollution related to oil and gas activities;*

*(10) a rule or proclamation adopted for the purpose of regulating water safety, hunting, fishing, or control of non-indigenous or exotic aquatic resources;*

*(11) an action taken by a political subdivision:*

*(A) to regulate construction in an area designated under law as a floodplain;*

*(B) to regulate on-site sewage facilities;*

*(C) under the political subdivision's statutory authority to prevent waste or protect the rights of owners of interest in groundwater; or*

*(D) to prevent subsidence;*

*(12) the appraisal of property for purposes of ad valorem taxation;*

*(13) an action that:*

*(A) is taken in response to a real and substantial threat to public health and safety;*

*(B) is designed to significantly advance the health and safety purpose; and*

*(C) does not impose a greater burden than is necessary to achieve the health and safety purpose; or*

*(14) an action or rulemaking undertaken by the Public Utility Commission of Texas to order or require the location or placement of telecommunications equipment owned by another party on the premises of a certificated local exchange company.*

Based on the types of actions anticipated under the Proposed Thoroughfare Plan, Johnson County believes that while certain actions included in the Proposed Thoroughfare Plan are exempt, other actions may not be exempt and will require the County to prepare this TIA.

#### Lawsuit to Invalidate a Governmental Taking

The Act allows landowners whose property is significantly impaired by governmental regulations to sue the governmental entity to invalidate the regulation. As an alternative to invalidation of the governmental action, the governmental entity may elect to pay the landowner compensation for the loss in value of the property interest. The Act is generally applicable to any governmental action (e.g., adoption of an ordinance, regulatory requirement or policy, or a governmental exaction) that restricts or limits the landowner's rights in the real property and that causes a

reduction of 25% or more in the market value of the property. Any lawsuit by an affected real property owner against the governmental entity must be filed within 180 days after the owner knew or should have known of the governmental action. The prevailing party in the lawsuit against the governmental entity is entitled to recover reasonable and necessary attorney's fees and court costs from the losing party.

#### Requirement to Prepare A Takings Impact Assessment (TIA)

In addition to a lawsuit to invalidate a taking by a governmental entity, all governmental entities in Texas (including the County) are required to prepare a TIA evaluation of any proposed regulation that may impair private real property interests and to provide public notice of the takings impact assessment.

### **EVALUATION PROCESS**

Based on those items from the Proposed Plan determined to be subject to the preparation of a TIA, the County is evaluating these items using the guidelines prepared by the State of Texas Office of the Attorney General. These guidelines require each action be evaluated through a series of questions. These questions, with subsequent instruction, are:

**Question 1:** *Is the Governmental Entity undertaking the proposed action a Governmental Entity covered by the Act, i.e., is it a "covered Governmental Entity"? See the Act, §2007.002(1).*

*The answer to Question 1 is "Yes":*

TGC §2007.002(1)(B) indicates that "a political subdivision of this state" is a covered governmental entity. Article IX of the Texas Constitution indicates that Counties are political subdivisions of the State. Therefore, the County would be a covered governmental entity, subject to the requirements to prepare a TIA .

**Question 2:** *Is the proposed action to be undertaken by the governmental entity an action covered by the Act, i.e., a "Covered Governmental Action"*

*The answer to Question 2 is "Yes":*

Based on the County's review of the Act, certain actions included in the Proposed Plan may qualify as Covered Governmental Actions while others do not. Except as stated herein, the Proposed Plan does not propose any "physical taking" of any particular property as defined in the Act, but certain actions are required to be evaluated as a "regulatory taking". Those actions determined to be Covered Governmental Actions will be further evaluated using subsequent questions. Any "physical taking", as defined by the Act, will be compensated for pursuant to the applicable provisions of the Texas Property Code and the U.S. and Texas Constitutions.

**Question 3:** *Does the Covered Governmental Action result in a burden on “Private Real Property” as that term is defined in the Act?*

*The answer to Question 3 is “Yes”:*

Based on the County’s review of the Act, certain of the actions included in the Proposed Plan may result in the imposition of a burden on “Private Real Property” as that term is defined in the Act. Those actions determined to impose a burden on “Private Real Property” will be further evaluated using subsequent questions and through the preparation of this TIA.

**Question 4:** *What is the Specific Purpose of the Proposed Covered Governmental Action? The TIA must clearly show how the proposed governmental action furthers its stated purpose. Thus, it is important that a governmental entity clearly state the purpose of its proposed action in the first place, and whether and how the proposed action substantially advances its stated purpose.*

**Question 5:** *How does the Proposed Covered Governmental Action burden society?*

**Question 6:** *How does the Proposed Covered Governmental Action benefit society?*

**Question 7:** *Does the Proposed Covered Governmental Action result in a “taking”?*

The actions determined to be Covered Governmental Actions which also impose a burden on “Private Real Property” as that term is defined in the Act have been proposed to accomplish several different purposes. Each of those actions determined to be both a Covered Governmental Action and which impose a burden on “Private Real Property” will be further evaluated using Questions 4 through 7 in this TIA (see page 10).

The Office of Attorney General guidance also provides the following sub-questions for items determined to be Covered Governmental Actions:

(1) *Does the Proposed Covered Governmental Action result indirectly or directly in a permanent or temporary physical occupation of Private Real Property?*

(2) *Does the Proposed Covered Governmental Action Require a property owner to dedicate a portion of Private Real Property or to grant an easement?*

(3) *Does the Proposed Covered Governmental Action deprive the owner of all economically viable uses of the Property?*

(4) *Does the Proposed Covered Governmental Action have a significant impact on the landowner’s economic interest?*

(5) *Does the Covered Governmental Action decrease the market value of the affected Private Real Property by 25% or more? Is the affected Private Real Property the subject of the Covered Governmental Action? See the Act, §2007.002(5)(B).*

(6) *Does the Proposed Covered Governmental Action deny a fundamental attribute of ownership?*

In addition to these questions to be addressed for each proposed action, the Office of Attorney General guidance also recommends an alternative evaluation.

**Question 8.** *What are the alternatives to the Proposed Covered Governmental Action?*

For each of the Covered Governmental Actions which also impose a burden on “Private Real Property”, an alternative evaluation will be provided.

## **SUMMARY OF THE PROPOSED THOROUGHFARE PLAN**

The Proposed Plan establishes goals and objectives for improving transportation safety and mobility in Johnson County, uniform safety standards on public roadways in the county, functional classifications and design standards for new and rebuilt roadways within the county and a schedule of projects and improvements designed to achieve the Plan’s goals.

Page 79 of the Proposed Plan states: *“The 2025 Johnson County Thoroughfare Plan consists of all major thoroughfares in Johnson County categorized by their functional classification. This classification sets the required right-of-way to be acquired or preserved to accommodate future traffic demand in the region. Typical functional classification of thoroughfares includes freeways and frontage roads, major and minor arterials, collectors, and sometimes specific local roadways.”* In certain cases, these improvements may be pursued proactively through public investment and the acquisition of private property through reasonable compensation. In other cases, roadways may be improved by dedication of private property in the form of right-of-way or physical improvements proportional to the impacts of development. The Plan does not direct that any takings occur as an implementation of the Plan, but rather provides a strategy for making improvements to the county thoroughfare network over time through means allowed under state and federal law.

### **Impacts of Major Thoroughfare Plans In General**

First, the goals of protecting public health and safety and water quality clearly appear to qualify as a legitimate state interest since prior U.S. Supreme Court rulings have held that governmental regulations addressing the “ill effects of urbanization” and the preservation of desirable aesthetic features are legitimate state interests. It is the express purpose of the Proposed Plan to “ensure roadway development supports continued rapid growth in Johnson County and enhances the quality of life of all residents”. This purpose and the related strategies in the Proposed Plan fulfill

that objective by identifying needed improvements to the roadway network and various strategies for public investment towards each improvement. As such, the Proposed Plan meets the goals of protecting public health and safety by improving conditions and capacity on the county roadway network. To the extent that improvements to the county roadway network require the County to acquire private property, the recommended strategies within the Plan are consistent with the County's legal ability to acquire or require dedication of such property as a governmental entity under state and federal law.

This conclusion is consistent with the guidelines adopted by the OAG. These guidelines are as follows:

*"Accordingly, government may abate public nuisances, terminate illegal activity, and establish building codes, safety standards, or sanitary requirements generally without creating a compensatory 'taking'. Government may also limit the use of real property through land use planning, zoning ordinances, setback requirements, and environmental regulations."*

These guidelines further indicate that the Proposed Plan may qualify for the exemption from the Texas Private Real Property Rights Preservation Act as safety standards which protects public health and safety.

The following items provide a summary of the major actions described in the Proposed Plan. Based on the nature of the proposed actions, each major proposed action has been assigned to one of three categories, depending on whether it was determined to be a "Covered Governmental Action" and whether it places a "burden" on property, as those terms are defined under the Act. An explanation of each action and the rationale for its inclusion in its selected category is provided below.

### **Burdens and Benefits of Proposed Impacts on Private Property**

The Proposed Plan may create certain burdens on private property by requiring right-of-way to be dedicated in certain limited contexts or to be acquired by the County. However, such burdens are no greater than as reasonably necessary for the County to accomplish the public health, safety and welfare objectives the Proposed Plan are intended to achieve. Moreover, the burdens imposed by the Proposed Plan have been minimized by the design standards to require only the right-of-way necessary to achieve the goals of the Plan and are no greater than those typically placed on developers and landowners in urbanizing counties in Texas, such as Johnson County. These burdens must be weighed against the benefits to the residents of the County and society as a whole which include a uniform set of roadway design and safety standards that protect the health and welfare of the County's residents and the environment of the County. The absence of such rules and standards, along with a schedule for their implementation, would not reduce the need for the County to construct and widen roads, but would increase uncertainty and inconsistency in the acquisition of right-of-way and the timing and expectations of when such impacts may occur. Having a uniform and consistently enforced set of standards and a defined schedule for when and

under what circumstances they should be administered, allows for private development to occur in a known and planned manner that is more efficient and cost-effective than would be imposed under unwritten policy and guidance.

### **Reasonable Alternative Actions**

The current system of largely ad hoc acquisition and construction endeavors is not considered to be a reasonable alternative action in a rapidly urbanizing county, due to the uncertainty and unpredictability of when roadways are to be widened. This also creates an administrative burden on the public by requiring more case-by-case negotiation and decision-making around the roadway development process. While failure to adopt the Proposed Thoroughfare Plan would preserve the status quo, doing so would not only fail to promote the County's obligation to promote health and safety, the continued growth of the County would ensure that health and safety would gradually erode as additional traffic impacts the County's roadways with no coherent plan for systematic improvements over time.

### **Actions in the Proposed Regulations Determined to Not Place a Burden on Property ("No" to OAG Question 3)**

To the extent that the Proposed Plan requires the acquisition of private property, it will not place a burden on private property that is developing, as the developer of the property will clearly understand the benefits of dedicating such right-of-way to the development of the property, and such dedication will be proportional to the impacts of the development under state and federal law (e.g., half of the needed right-of-way). The Plan will also not place a burden on private property that is developed or is not proposed for development, as those property owners will either be justly compensated for property acquired during future roadway construction (having gained the understanding of how their property may be impacted based on a future project schedule) or will simply not be required to dedicate or convey any private property for right-of-way in the interim. Further, the roadway standards and right-of-way requirements apply equally to all properties across the County based on the roadway classification abutting those properties and does not unfairly burden an individual property relative to other properties which abut a roadway of similar classification. As outlined in the guidance from the OAG:

*TIA's must concentrate on the truly significant real property issue. No need exists to amass needless detail and meaningless data. The public is entitled to governmental conformance with legislative will, not a mass of unnecessary paperwork.*

Therefore, the proposed actions were determined to not place a direct burden on "Private Real Property" and qualify for a "No Private Real Property Impact" Determination (hereafter "NoPRPI Determination") as provided in the OAG guidelines, and would not be subject to the requirement to prepare a TIA.

## **Actions in the Proposed Plan Determined to Be “Covered Governmental Actions” and to Place a “Burden” on “Private Real Property”**

Based on the evaluation conducted by the County, the following list of proposed actions may qualify as “Covered Governmental Actions” (CGA) and place a “burden” on Private Real Property. The further evaluation of these items is presented in the following section:

- Right-of-Way Acquisition or Dedication

### Takings Impact Assessment For the Qualifying Actions

The following proposed actions have been determined to be “Covered Governmental Actions” that may place a “burden” on Private Real Property. Each of these proposed actions has been evaluated using the additional questions in OAG guidelines (specifically Questions 4 through 8, and where necessary, the sub-questions).

#### Right-of-Way Acquisition or Dedication

The Proposed Plan states that rights-of-way specified in the Plan for various roadway classifications are intended to be dedicated or acquired by the County as Johnson County develops and the Plan is implemented per the roadway standards listed on page 85. These standards apply throughout the County to any property situated along one of the defined public roadways.

#### *OAG Question 4 – What is the specific purpose of the proposed CGA?*

The purpose of the proposed CGA is to plan for the orderly growth of Johnson County while preserving mobility for the County’s residents and businesses and promoting public health and safety, to the extent allowed by law.

#### *OAG Question 5 – How does the proposed CGA burden Private Real Property?*

The proposed CGA may create a burden on Private Real Property by requiring the dedication of right-of-way during development; however, right-of-way is only required to be dedicated to an extent that is proportional to the impact of the development on the roadway system (such as half the ultimate right-of-way width on an adjacent roadway).

#### *OAG Question 6 – How does the proposed CGA benefit society?*

According to the North Central Texas Council of Governments, the County is projected to increase its population from just under 130,000 persons in the year 2000 to over 250,000 persons by 2045. In other words, the County is expected to double its population in roughly fifty years. Many of the County's existing roadway facilities are built for low-volume rural uses and were not intended to accommodate high volumes of general traffic that are generated in the process of urbanization the County is currently experiencing. In general, the Proposed Plan will preserve and enhance mobility for the County's residents and businesses and promote public health and safety by establishing uniform design guidelines and roadway safety standards across Johnson County.

*OAG Question 7 – Does the proposed CGA result in a “taking”?*

*OAG Sub-question 1 – Does the proposed CGA result indirectly or directly in a permanent or temporary physical occupation of Private Real Property?*

No, physical occupation of Private Real Property does not occur. In particular, in the implementation of MTP-identified facilities, private property is legally acquired through platting (e.g., the development/subdivision process) or by the purchase of land by the County and, therefore, becomes public property or property dedicated for public use.

*OAG Sub-question 2 – Does the proposed CGA require a property owner to dedicate a portion of Private Real Property or to grant an easement?*

Yes, however, only through the development process or implementation of a roadway designated on the MTP. The new development would dedicate only a roughly proportional share of right-of-way designated for MTP facilities. If the County were to initiate roadway improvements, it would purchase the necessary right-of-way to enable the construction of an MTP-identified facility.

*OAG Sub-question 3 – Does the proposed CGA deprive the owner of all economically viable uses of the Property?*

No, right-of-way dedication will generally require only a small percentage of property area during development, while conferring significant benefits in the form of a larger roadway facility that carries higher volumes of traffic. Smaller properties that are not developing but sit adjacent to roadway facilities designated for enlargement by the Proposed Plan may be compensated for acquisition and will acquire only the right-of-way necessary per the Proposed Plan. Furthermore, the Plan outlines the location of future facilities and their right-of-way width, providing a clear expectation for adjacent property owners of future roadway needs.

*OAG Sub-question 4 – Does the proposed CGA have a significant impact on the landowner's economic interest?*

A determination as to whether the proposed CGA has a significant impact on the landowner's economic interest must be made on a case-by-case basis. As outlined in the response to OAG Sub-question 3, the enlargement of a roadway facility will, in most cases, provide direct benefit to the economic interest of landowners throughout the County by increasing mobility and traffic volumes.

*OAG Sub-question 5 – Does the CGA decrease the market value of the affected Private Real Property by 25% or more? Is the affected Private Real Property the subject of the covered governmental action? See the Act, §2007.002(5)(B).*

As outlined in the previous response, determinations as to whether the proposed CGA decreases the market value of affected Private Real Property must be made on a case-by-case basis. However, given the considerations outlined in the responses to OAG Sub-questions 3 and 4, the CGA would not in the large majority of cases cause the diminishment of a property's market value and will in many cases enhance the value of adjacent property by providing for greater volumes of traffic and convenience to the transportation system users.

*OAG Sub-question 6 – Does the proposed Covered Governmental Action deny a fundamental attribute of ownership?*

No, see OAG Sub-question 1.

*OAG Question 8 – What are the alternatives to the proposed CGA?*

The County's proposed CGA is based on authority granted to counties by the Texas Legislature. The only alternative to the proposed CGA is to not implement this authority. The County believes that the proposed CGA provides significant public benefits at a relatively small risk of adverse impact to property owners.

#### Right-of-Way Dedications

Platting of property during development may require dedication of right-of-way. The County acknowledges that it must comply with general principles regarding takings or other exactions as reflected in applicable state and federal laws, court rulings and the Texas Real Property Rights Preservation Act. The required dedication for public use must be roughly proportional to the actual need for the public use which is generated by the proposed development. If additional right-of-way is needed in situations where properties are already platted, developed, or not proposed for development, the County acknowledges the obligation to secure additional right-of-way through fair compensation to the property owner.


**Conclusion:**

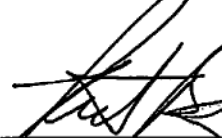
The County's proposed action of adopting a Proposed Thoroughfare Plan and using the Plan as a basis for requiring right-of-way dedications does not constitute a regulatory taking so long as the County action is not such that would require compensation under the United States or the Texas Constitution, or the County action does not affect the Private Real Property in a manner that restricts or limits the owner's right to the property and is the producing cause of a reduction of at least 25% in the market value of the property.

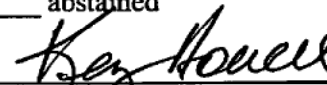
The MTP would provide for acquisition of right-of-way in one of two scenarios: (1) through dedication of Private Real Property during development, in which case the economic value of the land is based on improvements constructed during development, including the improved roadway facility; or, (2) through acquisition of Private Real Property prior to construction of roadway improvements through compensation to the Private Real Property owner as required by law that offsets the loss of market value of the property. This TIA concludes that neither scenario constitutes a taking of Private Real Property because the value of land is not reduced more than 25%.

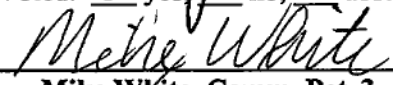
**NOW THEREFORE BE IT ORDERED:** The Commissioners Court of Johnson County, Texas hereby enters this Order adopting the Takings Impact Assessment for Major Thoroughfare Plan for Johnson County, Texas as set forth above.

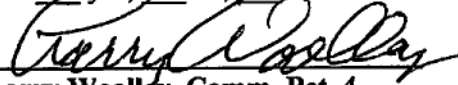
**WITNESS OUR HAND THIS, THE 24<sup>TH</sup> DAY OF MARCH 2025.**

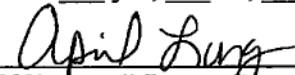
  
\_\_\_\_\_  
**Christopher Boedeker, Johnson County Judge**  
Voted: ☒ yes, ☐ no, ☐ abstained

  
\_\_\_\_\_  
**Rick Bailey, Comm. Pct. 1**  
Voted: ☒ yes, ☐ no, ☐ abstained

  
\_\_\_\_\_  
**Kenny Howell, Comm. Pct. 2**  
Voted: ☒ yes, ☐ no, ☐ abstained

  
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**Mike White, Comm. Pct. 3**  
Voted: ☒ yes, ☐ no, ☐ abstained

  
\_\_\_\_\_  
**Larry Woolley, Comm. Pct. 4**  
Voted: ☒ yes, ☐ no, ☐ abstained

  
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**ATTEST: April Long, County Clerk**



## NOTICE OF PUBLIC HEARING

Pursuant to Chapter 2007 of the Texas Government Code, the Johnson County Commissioners Court will consider a Takings Impact Assessment (TIA) for Major Thoroughfare Plan (MTP) for Johnson County, Texas that evaluates the potential impacts of the County's MTP. The TIA concluded that the proposed MTP may be used to acquire right-of-way through platting, dedication or proper purchase of property for county mobility needs. A copy of the TIA is available on Johnson County's website.

**At:                    9:00 o'clock a.m. on: Monday, March 24, 2025 in the  
Commissioners' Courtroom on the second floor  
of the Johnson County Courthouse  
2 North Main Street, Cleburne, Texas 76033**

**Published in *Times Review* classified section under 'LEGAL NOTICE' on this date:**

**February 22, March 1<sup>st</sup> & 8<sup>th</sup>, 2025**

## **AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

**Date:** February 27, 2025

**Meeting Date:** March 24, 2025

**Submitted By:** Julie Edmiston

**Department:** Public Works

**Signature of Elected Official/Department Head:**



<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>
 <div style="position: absolute; bottom: 10px; right: 10px; color: red; font-weight: bold;">3-24-2025</div>

**Description:**

Public Hearing for a Takings Impact Assessment (TIA) for Major Thoroughfare Plan (MTP) for Johnson County, Texas that evaluates the potential impacts of the County's MTP. The TIA concluded that the proposed MTP may be used to acquire right-of-way through platting, dedication or proper purchase of property for county mobility needs.

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(May attach additional sheets if necessary)

**Person to Present:** Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

**Supporting Documentation:** (check one)     ☒ PUBLIC     ☐ CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

**Estimated Length of Presentation:** 10 minutes

**Session Requested:** (check one)

☒ Action Item    ☐ Consent    ☐ Workshop    ☐ Executive    ☐ Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

☒ County Attorney    ☐ IT    ☐ Purchasing    ☐ Auditor

☐ Personnel    ☒ Public Works    ☐ Facilities Management

**Other Department/Official (list)** \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**