

Resolution No. 2016-19

**A RESOLUTION APPROVING A DECLARATION OF VIOLATION TO THE
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WITH RESPECT TO
PROPERTY LOCATED AT 18315 BRACKEN DRIVE**

WHEREAS, compliance with the Comal County Flood Damage Prevention Order is required by Comal County and FEMA; and

WHEREAS, the Comal County Floodplain Coordinator has determined that a structure owned by David Stuller located at 18315 Bracken Drive in Comal County, Texas, legally described as Bracken Block 5, Lot 5R, Building 1, Comal County, Texas to be in violation of Article 5, Section G(1)(b) and Article 5, Section B(2) of the Comal County Flood Damage Prevention Order, said structure in violation is identified on the attached Exhibit A; and

WHEREAS, the violations have not been corrected; and

WHEREAS, pursuant to Section 16.315(6) of the Texas Water Code, the Comal County Commissioners Court has the Authority to declare the property to be in violation of the Comal County Flood Damage Prevention Order and forward the declaration to FEMA; and

WHEREAS, both notice of the violations and notice of the prospective denial of insurance have been provided to the property owner; and

WHEREAS, based upon this declaration, FEMA has the authority under Section 1316 of the National Flood Insurance Act, as amended, to deny flood insurance coverage to structures in violation of the above described property.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS, that the Commissioners Court declares the structure on the above described property to be in violation of the Comal County Flood Damage Prevention Order, approves the "1316 Declaration" which is attached hereto and incorporated herein by reference, and authorizes forwarding the Declaration to FEMA.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS, that upon a finding of valid declaration by FEMA, the Commissioners Court hereby directs the Comal County Clerk to record this Resolution of the attached "1316 Declaration" in the Official Public Records of Comal County, Texas.

EFFECTIVE THIS 11th DAY of August, 2016.



SHERMAN KRAUSE, COUNTY JUDGE



DONNA ECCLESTON
COUNTY COMMISSIONER, PCT #1



SCOTT HAAG
COUNTY COMMISSIONER, PCT. #2



KEVIN WEBB
COUNTY COMMISSIONER, PCT #3



JEN CROWNOVER
COUNTY COMMISSIONER, PCT. #4

ATTEST: 
BOBBIE KOERP, COUNTY CLERK





Exhibit A



Legend

- Bulverde
- Fair Oaks Ranch
- Garden Ridge
- New Braunfels
- Schertz
- Selma
- Spring Branch
- Addresses
- Parcels
- Comal Roads
- ComalBoundary

Notes

Building 1: Warehouse/Office Space

Stuller Property:
Bracken Block 5, Lot 5R

1: 999



0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**The National Flood Insurance Act of 1968
Section 1316 Declaration**

As authorized by the Section 16.315(6) of the Texas Water Code, The Comal County Commissioners Court, does hereby declare the structure listed below to be in violation of the Comal County Flood Damage Prevention Order.

Comal County hereby requests that FEMA deny the availability of flood insurance coverage to the following structure pursuant to the provisions of Section 1316 of the National flood Insurance Act of 1968, as amended.

1) Owner, Address and Legal Description of the Property:

Name: David Stuller
Address: 18315 Bracken Drive
City: San Antonio, TX 78266

2) Type of Structure:

Description: Office and Storage Building
Flood Zone: AE

3) Property is in Violation of:

Article 5, Section G(1)(b) of the Comal County Flood Damage Prevention Order, which requires an approved floodplain development permit prior to construction in a SFHA. Also, Article 5, Section B(2) which requires non-residential structures to have the lowest floor elevated to or above the BFE or provide certification of dry-floodproofing.

4) Property is in Violation Because:

The property owner did allow or permit the erection, construction, or alteration of any improvement or allow or permit the placement of any material in the Area of Special Flood Hazard without an approved Floodplain Development Permit. Specifically, the lowest floor of the above mentioned office and storage building is located .90 feet below the base flood elevation.

5) Authority:

Section 16.3145 of the Texas Water code states that the governing body of each county shall adopt order necessary for the county to be eligible to participate in the National Flood Insurance Program. As the governing body of Comal County, Texas, the Comal County Commissioners Court adopted Order 232 – Flood Damage Prevention Order on August 13, 2009. Furthermore, Section 16.315(6) of the Texas Water Code authorizes Comal County to declare property to be in violation of local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas and to notify the Director [of FEMA], or whomever the Director designates, of such property.

6) Owner Notification of Declaration and Possible Denial of Flood Insurance:

The original violation notice was sent by U.S mail on March 21, 2016. A copy of the violation notice is attached. A letter of notification of declaration and possible denial of flood insurance was sent by certified mail on April 7, 2016. A copy of the letter is attached.

7) Statement:

This declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.