

2003 SESSION

INTRODUCED

023105476

SENATE BILL NO. 502

Offered January 9, 2002

Prefiled January 9, 2002

A BILL for the relief of David Brooke Miller, M.D.

Patron—Miller, K.G.

Referred to Committee on Finance

WHEREAS, David Brooke Miller, M.D. is a physician in Washington, Virginia who owns certain property situated on the southeastern side of Route 211 Bypass south of the town of Washington and Rappahannock County; and

WHEREAS, on July 31, 2000, Dr. Miller submitted land use permit application No. 266098 to the Virginia Department of Transportation (VDOT) seeking permission to install a driveway for a single-family dwelling which would require a curb cut in the limited access on Route 211; and

WHEREAS, on September 25, 2000, VDOT granted Dr. Miller's application and issued a permit No. 746-7768 authorizing him a curb cut in the limited access line for building a driveway to access his private residence; and

WHEREAS, upon receipt of the valid permit, Dr. Miller began contracting with driveway builders and landscape architects to prepare the land and to construct the entrance in accordance with the applicable construction standards; and

WHEREAS, on March 20, 2001, VDOT notified Dr. Miller that the entrance permit granted to him was being revoked on the (only) ground that it was "inadvertently issued [by VDOT] during a heavy workload period of time"; and

WHEREAS, Dr. Miller incurred approximately \$20,000 in construction costs before the work stoppage order was issued; and

WHEREAS, VDOT has refused to reissue the permit or reimburse Dr. Miller for costs incurred; and

WHEREAS, the Commonwealth Transportation Board has declined to act on Dr. Miller's behalf; and

WHEREAS, Dr. Miller has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the State Treasury the sum of \$20,000 for the relief of David Brooke Miller, M.D. to be paid by check issued by the State Treasury on a warrant issued by the Comptroller upon execution of a release of all claims David Brooke Miller, M.D. may have against the Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection with the aforesaid occurrence.*

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