

2005 SESSION

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SENATE BILL NO. 1031

Offered January 12, 2005

Prefiled January 12, 2005

A BILL for the relief of certain citizens in the County of Henrico.

Patrons—Lambert; Delegate: Stump

Referred to Committee on Finance

Whereas, construction of Interstate 895 has taken place in the Varina District; and

Whereas, as a result of the extensive excavation necessary for the construction of I-895, several private, residential wells went dry in 2001 and 2002; and

Whereas, the contractor for I-895, FD/MK, commissioned two ground water studies concluding that FD/MK was not responsible for the wells going dry; and

Whereas, FD/MK nonetheless paid for improvements to a number of wells that had gone dry as an act of good faith to assist the community; and

Whereas, six other private residential wells in the vicinity of I-895, located at 7320 Wilson Road, 7408 Wilson Road, 7671 Wilton Road, 7690 Wilton Road, 7715 Wilton Road, and 7728 Wilton Road, went dry shortly after the agreement with FD/MK was reached; and

Whereas, efforts to have FD/MK include those six wells with the other wells they agreed to pay for have not been successful; 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 \$28,734 or the actual cost of improvements, whichever is less, for the relief of the six private homeowners whose wells have gone dry. As a condition for receiving such moneys, the County of Henrico shall have improvements made to the dry wells at 7320 Wilson Road, 7408 Wilson Road, 7671 Wilton Road, 7690 Wilton Road, 7715 Wilton Road, and 7728 Wilton Road within one year of the enactment of this bill. The State Treasurer on warrant of the Comptroller shall issue the check for the amount of the improvements, not to exceed \$28,734 in aggregate for the six private wells, within 30 days after the completion of the improvements. However, prior to any improvements being done at any of the private residences described herein, the homeowner shall execute a release and waiver forever releasing (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest from any present or future claims he may have against such enumerated parties in connection with the aforesaid occurrence.*

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