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**SENATE BILL NO. 9**

Offered January 10, 1996

Prefiled January 9, 1996

*A BILL for the relief of Lewis Simpkins and Barbara Simpkins.*

Patron—Cross

Referred to the Committee on Finance

Whereas, on November 8, 1988, the Caroline County Health Department conducted a study of the soil on lot 877 of the Lake Caroline development near Ladysmith in Caroline County; and

Whereas, the Caroline County Health Department certified that lot 877 was able to percolate; and

Whereas, Lake Caroline has no public sewerage and the ability of a lot to percolate is a prerequisite to locating a septic system and building a residence on a lot; and

Whereas, in January 1989 Lewis Simpkins and Barbara Simpkins, residents of Oceanside, New York, purchased lot 877 from Larry Tubbs for \$14,400, in reliance on the certification of the Caroline County Health Department that the lot was suitable for location of a septic system; and

Whereas, Lewis Simpkins and Barbara Simpkins intended to build a three-bedroom retirement home on the lot; and

Whereas, after Mr. Simpkins suffered a heart attack in 1993, Lewis Simpkins and Barbara Simpkins canceled their plan to build on the lot and elected to sell the lot; and

Whereas, Lewis Simpkins and Barbara Simpkins executed a contract to sell lot 877 for \$37,000, subject to the lot passing a percolation test; and

Whereas, two days prior to closing on the sale of the lot in October 1994, Mr. and Mrs. Simpkins were advised that lot 877 failed a percolation test conducted by the Caroline County Health Department, and the scheduled sale of the lot was canceled; and

Whereas, Tom Thompson, environmental health supervisor overseeing the Caroline County Health Department, acknowledges that the November 7, 1988, percolation test was performed by the Caroline County Health Department on a lot adjacent to lot 877; and

Whereas, Mr. Thompson has asserted that the prior owner of lot 877 incorrectly flagged and staked lot 876 as being part of lot 877, though Larry Tubbs, the lot's prior owner, denies that he flagged lot 876 as part of lot 877; and

Whereas, following the October 1994 percolation test the assessed value of lot 877 declined from \$36,000 to \$6,000; and

Whereas, the Lake Caroline Property Owners Association has declined to grant Lewis Simpkins and Barbara Simpkins an easement to locate a septic drainfield on another lot; and

Whereas, Lewis Simpkins and Barbara Simpkins have spent \$20,106 in acquiring lot 877 and in paying taxes, property owners association fees, and other expenses in connection with the lot, and continue to incur expenses for taxes and property owners association fees; and

Whereas, Lewis Simpkins and Barbara Simpkins are willing to convey lot 877 to the Commonwealth upon reimbursement for the expenses they have incurred as a result of acquiring the lot; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That there is hereby allocated from the general fund appropriation to the Department of Health the sum of \$20,106 for the relief of Lewis Simpkins and Barbara Simpkins. This sum shall be paid by check issued by the State Treasurer on warrant of the Comptroller to Lewis Simpkins and Barbara Simpkins, upon execution and delivery by Lewis Simpkins and Barbara Simpkins of a release of all claims they may have against the Commonwealth or any of its political subdivisions or their officers, employees, or agents in connection with, or arising out of, the aforesaid occurrence, and of a deed, in form approved by the Attorney General, conveying all of the interest of Lewis Simpkins and Barbara Simpkins in lot 877, Lake Caroline, in Caroline County to the Commonwealth.

INTRODUCED

SB9