

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 775

An Act for the relief of Roger L. McDaniel.

[H 1495]

Approved March 28, 1999

Whereas, in August 1990 Roger L. McDaniel purchased 22.5 acres of property in Frederick County, Virginia, for the purpose of building a private residence; and

Whereas, in 1987 the State Board of Health issued, valid until October 1, 1991, a Sewage Disposal System Construction Permit to install an onsite sewage disposal system for a three bedroom house at the property; and

Whereas, prior to purchasing the property, Mr. McDaniel confirmed with the Department of Health that the permit for an onsite sewage disposal system for a three bedroom house at the property was still valid; and

Whereas, Mr. McDaniel purchased the property based on the existence of the valid permit; and

Whereas, in September 1991 Mr. McDaniel sought to renew the permit; and

Whereas, on December 23, 1991, the Department denied the renewal of the permit; and

Whereas, the Department subsequently informed Mr. McDaniel that he would have to install an alternative discharge system rather than the onsite septic system previously approved; and

Whereas, to meet the requirements of the Department for the issuance of the permit, Mr. McDaniel incurred additional expenses including the purchase of an easement from an adjoining property owner and a site plan; and

Whereas, installation of the alternative discharge system rather than a conventional onsite septic disposal system substantially devalued the property; and

Whereas, on February 19, 1992, Mr. McDaniel filed a claim with the Attorney General's office under the Tort Claims Act; and

Whereas, the Attorney General's office determined that the cause of action accrued in August 1990 when the property was purchased, and the claim was not received within the one-year statute of limitations; and

Whereas, despite several requests by Mr. McDaniel to be compensated by the Department, no compensation has been forthcoming; and

Whereas, Mr. McDaniel has no other means to obtain relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby allocated from the Onsite Sewage Indemnification Fund the sum of \$13,675 for the relief of Roger L. McDaniel. This sum shall be paid by check issued by the State Treasurer on warrant of the Comptroller to Roger L. McDaniel, upon execution by him of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee or political subdivision thereof, in connection with the aforesaid occurrence.*