

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Roger L. McDaniel.*

3 [H 1495]

4 Approved

5 Whereas, in August 1990 Roger L. McDaniel purchased 22.5 acres of property in Frederick County,
6 Virginia, for the purpose of building a private residence; and7 Whereas, in 1987 the State Board of Health issued, valid until October 1, 1991, a Sewage Disposal
8 System Construction Permit to install an onsite sewage disposal system for a three bedroom house at the
9 property; and10 Whereas, prior to purchasing the property, Mr. McDaniel confirmed with the Department of Health
11 that the permit for an onsite sewage disposal system for a three bedroom house at the property was still
12 valid; and

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

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

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

16 Whereas, the Department subsequently informed Mr. McDaniel that he would have to install an
17 alternative discharge system rather than the onsite septic system previously approved; and18 Whereas, to meet the requirements of the Department for the issuance of the permit, Mr. McDaniel
19 incurred additional expenses including the purchase of an easement from an adjoining property owner
20 and a site plan; and21 Whereas, installation of the alternative discharge system rather than a conventional onsite septic
22 disposal system substantially devalued the property; and23 Whereas, on February 19, 1992, Mr. McDaniel filed a claim with the Attorney General's office under
24 the Tort Claims Act; and25 Whereas, the Attorney General's office determined that the cause of action accrued in August 1990
26 when the property was purchased, and the claim was not received within the one-year statute of
27 limitations; and28 Whereas, despite several requests by Mr. McDaniel to be compensated by the Department, no
29 compensation has been forthcoming; and30 Whereas, Mr. McDaniel has no other means to obtain relief except by action of this body; now,
31 therefore,32 **Be it enacted by the General Assembly of Virginia:**33 **1. § 1.** *That there is hereby allocated from the Onsite Sewage Indemnification Fund the sum of \$13,675*
34 *for the relief of Roger L. McDaniel. This sum shall be paid by check issued by the State Treasurer on*
35 *warrant of the Comptroller to Roger L. McDaniel, upon execution by him of a release of all claims he*
36 *may have against the Commonwealth or any agency, instrumentality, officer, employee or political*
37 *subdivision thereof, in connection with the aforesaid occurrence.*

ENROLLED

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