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HOUSE BILL NO. 1705

House Amendments in [] — February 6, 1999

A BILL for the relief of Thomas A. Garrett.

Patron—Dickinson

Referred to Committee on Claims

Whereas, in 1983, Thomas A. Garrett began negotiating for the purchase of a 94-plus acre tract of land in Louisa County, Virginia; and

Whereas, prior to purchasing the property, Garrett was concerned about the suitability of four sites on the property for the construction of a residence, including the need for a sewage system; and

Whereas, the Department of Health informed Garrett and the owner of the property that all of the sites were marginal and that before any of the sites could be approved, the soils would have to be examined by a soil scientist; and

Whereas, the Department further stated that since the soils at the sites were the same, if a soil scientist approved one of the sites then all of the sites would be approved; and

Whereas, a soil scientist examined and approved only one of the sites; and

Whereas, Garrett relied on the Department's prior statement that the remaining sites would be suitable for a sewage system; and

Whereas, Garrett proceeded to purchase the 50 acres of the property with an option on the remaining 44-plus acres; and

Whereas, in 1984, prior to exercising the option to purchase the additional 44-plus acres, Garrett applied for and was issued a permit by the Department of Health for a sewage system for one of the four sites approved in 1983 and located on the additional tract; and

Whereas, in January of 1986, Garrett exercised his option on the additional tract; and

Whereas, on March 26, 1987, the Department renewed the permit; and

Whereas, in September of 1989, Garrett attempted to renew the permit again but was informed by employees of the Department that the continued renewal was not required; and

Whereas, in September of 1997, Garrett discovered that a new permit for a sewage system was required; and

Whereas, the Department subsequently denied the permit; and

Whereas, Garrett requested an informal hearing on the denial which was held on December 19, 1997; and

Whereas, the informal hearing upheld the denial; and

Whereas, prior to scheduling a formal hearing, the Department and Garrett made several attempts to reach a mutually agreeable settlement concerning the issuance of the permit; and

Whereas, Garrett accepted an option which required him to obtain a variance from the regulations, after which the Department would issue a permit for the installation of a sand filter septic system at a specified site on the property; and

Whereas, the cost of the system and related installation and maintenance is \$15,000; and

Whereas, the former Commissioner for the Department stated that the Department would cover the cost to install the system; and

Whereas, the former Commissioner reversed the position of the Department and stated that the costs to install the system would not be covered; and

Whereas, Garrett relied upon statements made by employees of the Department prior to the initial purchase of the first tract and prior to exercising his option on the additional tract regarding the suitability of the property for the installation of a conventional sewage system; and

Whereas, Garrett further relied upon statements made by the former Commissioner regarding the settlement of the issue; and

Whereas, Garrett has already obtained the variance and initiated the process to install the sand filter system; and

Whereas, Thomas A. Garrett 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 appropriated from the general fund [~~of the state treasury~~ appropriation to the Department of Health] the sum of \$15,000 for the relief of Thomas A. Garrett, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee or political

ENGROSSED

HB1705E

60 *subdivision in connection with the aforesaid occurrence.*