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HOUSE BILL NO. 1799**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Claims

on January 29, 1997)

(Patron Prior to Substitute—Delegate Grayson)

A BILL for the relief of James F. Holden.

Whereas, Mr. Holden purchased two acres of land in James City County in 1989; and

Whereas, in 1986, having determined that the property would "perk", the State Board of Health had issued a permit to build a three bedroom residence on the property ; and

Whereas, the permit to build was valid at the time Mr. Holden purchased the property; and

Whereas, in 1990, Mr. Holden submitted an application to build a four bedroom residence; and

Whereas, the application to build a four bedroom residence was denied, but the permit to build a three bedroom residence was approved again; and

Whereas, Mr. Holden began construction on the property in 1990, completing a three-car garage and a storage shed, and the initial footings for the house; and

Whereas, Mr. Holden married in 1992 and decided to complete the project in 1995, but with certain changes to the original building plan; and

Whereas, Mr. Holden submitted a new application for a building permit to the State Department of Health in 1995; and

Whereas, after several meetings and appeals, Mr. Holden was denied any building permit for the property, including the permit for a three bedroom residence which previously had been approved, because the property did not "perk"; and

Whereas, the State Board of Health acknowledged that the 1986 permit was not issued in accordance with the applicable regulations; and

Whereas, James City County ordinances prohibit Mr. Holden from utilizing available alternatives that would allow Mr. Holden to build on the property; and

Whereas, Mr. Holden has incurred costs of \$47,800 in purchasing the property, building on the property, and paying property taxes and other expenses related to the property, as a result of the original incorrect assessment by the State Board of Health that the property would "perk"; and

Whereas, the residual value of the real estate and improvements is \$8, 000; and

Whereas, Mr. Holden 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 the sum of \$39,800 for the relief of James F. Holden. This sum shall be paid by check issued by the State Treasurer on warrant of the Comptroller to James F. Holden, 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.*

§2. *That James City County shall reimburse the general fund of the state treasury in an amount equal to the sum appropriated pursuant to this act. Such amount shall be reimbursed from the distribution of net profits appropriated to James City County pursuant to § 4.1-117.*