

1997 SESSION

INTRODUCED

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SENATE BILL NO. 756

Offered January 8, 1997

A BILL for the relief of Carl Nester.

Patron—Reynolds

Referred to the Committee on Finance

Whereas, Carl Nester resides in Hillsville in Carroll County, Virginia; and
Whereas, Mr. Nester owned a building located near the intersection of U.S. Route 58 and State Route 709; and
Whereas, on January 19, 1996, a severe windstorm blew Mr. Nester's building from its foundation, and a portion of the structure landed in the state right-of-way of U.S. Route 58; and
Whereas, within 24 hours following the windstorm, employees of the Virginia Department of Transportation pushed Mr. Nester's building out from the right-of-way in a manner that so damaged the structure as to make salvage impossible; and
Whereas, Mr. Nester was not aware that the windstorm had damaged his building, and was not informed by the Department of Transportation that his building had been blown into the right-of-way; and
Whereas, if the Department of Transportation had notified Mr. Nester that his building was in the right-of-way, he could promptly have salvaged the structure; and
Whereas, the building, which had a value of \$16,000 prior to the windstorm and ensuing removal from the right-of-way, has no residual value; and
Whereas, only \$10,000 of the damage was covered by Mr. Nester's policy of insurance, leaving a net loss of \$6,000; and
Whereas, Mr. Nester has requested the Department of Transportation to compensate him for the uninsured portion of the damage sustained by the structure; and
Whereas, the Department of Transportation has admitted removing the structure but has denied liability for the loss on grounds that the structure was obstructing the right-of-way; and
Whereas, Carl Nester has no other means to obtain adequate 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 \$6,000 for the relief of Carl Nester to be paid by check issued by the State Treasurer on warrant of the Comptroller to Carl Nester, upon execution by him of a release of all claims he may have against the Commonwealth or any of its political subdivisions or their officers, employees, or agents in connection with the aforesaid occurrence.

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