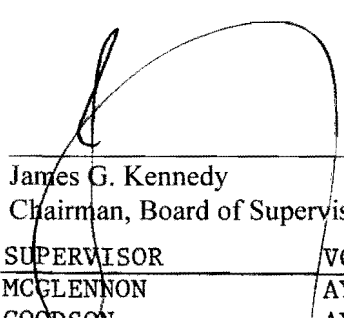


## RESOLUTION

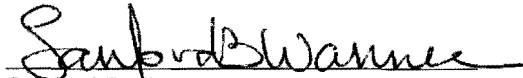
### CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE –

#### OMEGA CONSTRUCTION, 206 AND 210 SANDY BAY ROAD

- WHEREAS, Sandy Bay Interests, L.C. of 23 Mile Course, Williamsburg, Virginia is the owner of certain parcels of land commonly known as 206 and 210 Sandy Bay Road designated as Parcel Nos. 4730100020 and 4730100019 within the James City County's Real Estate Tax Map system, herein referred to as the "Properties"; and
- WHEREAS, the Owner retained Omega Construction of Portsmouth VA, herein referred to as the "Contractor," to perform work on the Properties; and
- WHEREAS, on or about August 26, 2009, the Contractor transported, filled, and graded land on the Properties without an approved plan of development and without securing a land-disturbing permit; and caused impact to Chesapeake Bay Preservation Area (CBPA) located on the Properties; and
- WHEREAS, Sandy Bay Interests, LC has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County which requires the Contractor to install temporary erosion and sediment control measures; to stabilize existing disturbed areas in the Resource Management Area (RMA) outside existing present gravel areas; and perform work and install native plantings within Resource Protection Area (RPA), in accordance with an approved CBPA Restoration Plan in order to remedy a violation of the County's Chesapeake Bay Preservation Ordinance. The owner has posted sufficient surety guaranteeing the installation and restoration of Resource Management Area and Resource Protection Area on the Properties; and
- WHEREAS, the Contractor has agreed to pay a total of \$1,500 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, per Section 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,500 civil charge from Omega Construction, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July,  
2010.

OmegaVio\_res