

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATIONS - CIVIL CHARGES -

JOHN W. BALLENTINE, JR.

- WHEREAS, Dudley S. Waltrip of 2868 Lake Powell Road, Williamsburg, is the owner of a certain parcel of land commonly known as 212 Turners Neck Road, Toano, VA, designated as Parcel No. 2130100005C, within James City County's Real Estate system, herein referred to as the ("Property"); and John W. Ballentine Jr., of 300 Turners Neck Road, Toano, VA, is the Lessee, of the Property; and
- WHEREAS, on or about April 9, 2009, John W. Ballentine Jr., caused the removal of vegetation from within a Chesapeake Bay Preservation Area (CBPA) and caused the disposal of approximately 5,000 cubic yards of trees, stumps, lumber, and other materials in a ravine within the CBPA on the Property; and
- WHEREAS, John W. Ballentine Jr., has executed a Chesapeake Bay Restoration Agreement with the County, agreeing to remove all of the material disposed of within the CBPA and to install native canopy trees, native understory trees, and native shrubs within the CBPA on the Property in order to remedy the violations under the County's Chesapeake Bay Preservation Ordinance and he has also posted sufficient surety to guaranteeing the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and
- WHEREAS, John W. Ballentine Jr., has agreed to pay a total of \$4,000 to the County as civil charges under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charges in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with 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 \$4,000 in civil charges from John W. Ballentine Jr., as full settlement of the Chesapeake Bay Preservation Ordinance Violations.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of
June, 2009.

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