

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

**JOHN OTEY, 3384 BRICK BAT ROAD,**

**LOT 8, W.J.C. REALTY CORPORATION SUBDIVISION**

WHEREAS, Mr. John Otey of 3008 Heritage Landing Road, Williamsburg, Virginia is the owner of a certain parcel of land commonly known as 3384 Brick Bat Road, Lot 8, W.J.C. Realty Corporation Subdivision, Williamsburg, Virginia designated as Parcel No. 442010001 within James City County Real Estate Tax Map system herein referred to as the ("Property"); and

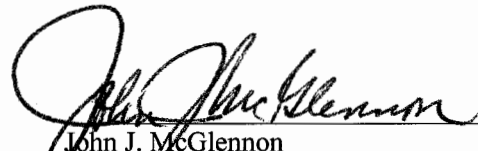
WHEREAS, on or about April 22, 2011, Mr. Otey caused clearing, grading, transporting of fill, and filling of land within a defined Chesapeake Bay Preservation Area (CBPA) on the Property without prior approval of a plan of development, erosion and sediment control plan, or land-disturbing permit; and caused impact to Resource Management Area (RMA); and

WHEREAS, Mr. Otey has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County agreeing to implement, in a timely manner, tree plantings and pasture/forage seeding in accordance with an approved Chesapeake Bay Restoration Plan in order to remedy a violation of the County's Chesapeake Bay Preservation Ordinance. The owner has posted sufficient surety guaranteeing plantings and seeding in accordance with the approved restoration plan to restore RMA on the Property; and

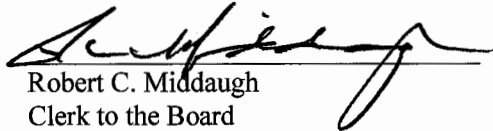
WHEREAS, Mr. Otey has agreed to pay a total of \$3,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted RMA and the civil charge 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 \$3,000 civil charge from Mr. John Otey as full settlement of the Chesapeake Bay Preservation Ordinance violations at the Property.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___
BRADSHAW	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2013.

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