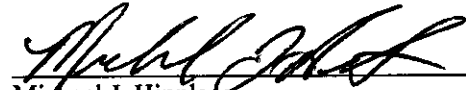


RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION – CIVIL CHARGE –

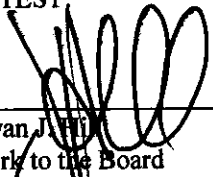
JOHN FRANKLIN, 2984 KITCHUM'S CLOSE

- WHEREAS, John Franklin is the owner of a certain parcel of land commonly known as 2984 Kitchum's Close, Williamsburg, Virginia, designated as Parcel No. 4421000002 within James City County Real Estate Tax Map system; and
- WHEREAS, Governor's Land Foundation is the owner of a certain parcel of land commonly known as Major Open Space 34 Block C Kitchum's Close, designated as Parcel No. 4421000001B within James City County Real Estate Tax Map system; and
- WHEREAS, Governor's Land Foundation is the owner of a certain parcel of land commonly known as Major Open Space 35 Block C Kitchum's Close, designated as Parcel No. 4421000001C within James City County Real Estate Tax Map system; and
- WHEREAS, all three parcels of land shall herein be referred to as the ("Property"); and
- WHEREAS, on or about July 11, 2016, John Franklin caused clearing within a defined Chesapeake Bay Preservation Area (CBPA) on the Property without prior approval of a plan of development, erosion and sediment control plan, land disturbing permit and/or Chesapeake Bay exception; and caused impact to a Resource Protection Area (RPA); and
- WHEREAS, John Franklin has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County agreeing to implement, in a timely manner, native shrub plantings 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 in accordance with the approved restoration plan to restore RPA on the Property; and
- WHEREAS, John Franklin has agreed to pay a total of \$17,500 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 the restoration of the impacted RPA 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 \$17,500 civil charge from John Franklin as full settlement of the Chesapeake Bay Preservation Ordinance violations at the Property.



Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hipple
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	<u>Absent</u>	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of
December, 2016.

CA-Kitchum's Close-res