

RECEIVED IN COURT
11-1-21 SDF

VIRGINIA:

IN THE GENERAL DISTRICT COURT OF LOUDOUN COUNTY

COUNTY OF LOUDOUN,
Plaintiff,

v.

GABLE FAMILY LIMITED PARTNERSHIP
Defendant.

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Case No. GV21011940-00

ORDER OF ABATEMENT

THIS MATTER came before this Court upon a Warrant in Debt filed by the County of Loudoun ("County"), through counsel, pursuant to Va. Code § 15.2-2209 and Loudoun County Zoning Ordinance § 6-500.

IT APPEARING TO THE COURT that the parties agree that the subject property has been determined to be in violation of the Loudoun County Zoning Ordinance and that the Defendant owes \$200.00 in fines plus 0% interest effective August 24, 2018, \$0.00 in administrative fees and \$0.00 in attorney fees; and

IT FURTHER APPEARING TO THE COURT that a Notice of Violation was issued to the Defendant on November 29, 2018 (Exhibit 1) for the property identified as Parcel Identification Number 346-25-3362 ("**the Property**"); and

IT FURTHER APPEARING TO THE COURT that the Plaintiff and Defendant have agreed to the terms of abatement listed below; and

IT FURTHER APPEARING TO THE COURT that this Court has jurisdiction pursuant to Va. Code § 15.2-2209 and Loudoun County Zoning Ordinance § 6-500 *et. seq.* to order the Defendant to abate the violation and award judgment in the amount of the outstanding fines plus interest, costs and fees, including attorney fees;

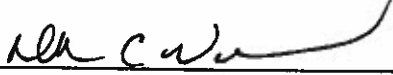
IT IS THEREFORE, ADJUDGED, ORDERED AND DECREED:

1. The Defendant shall correct the violations outlined in the Notice of Violation dated November 29, 2018, by adjusting the elevations and grading of the Property by removing the excess fill to lower the elevations to be consistent with what was shown on Rural Economy Site Plan (REST)-2015-0003 (the **"Approved Plan"**) for a proposed personal recreation field, which was approved by the County on October 15, 2015. The excess fill described in the Notice of Violation shall be placed first within the two sediment basins and one sediment trap located on the Property in accordance with Chapter 1220 of the Loudoun County Codified Ordinances. The sediment basins are located on the south-central perimeter of the project. The sediment basins will be repurposed as Bioretention Facilities per REST-2015-0003. The sediment trap is located on the Southwest corner of the perimeter of the project.
2. If fill exceeding the approved levels shown on REST-2015-0003 remains on the Property after the Defendant has completed the action described in Paragraph 1 and after using only the amount of fill necessary to fill in the two sediment basins and the sediment trap, as determined by the County, then the Defendant may disburse such excess fill within areas depicted to receive fill, as shown on that certain engineered plan dated January 7, 2020, prepared by Dice Engineering, PLC of Winchester, Virginia (the **"Abatement Plan"**) depicting the location of where the remaining excess fill may be placed on the Property. It is anticipated that there will be less fill than the Abatement Plan is designed to accommodate, so the Defendant may select those areas depicted on the Abatement Plan in which to place the excess fill, provided that such fill shall not exceed any elevations in any locations shown and depicted on the Abatement Plan, except as otherwise herein set forth.

3. After completion of the work described in Paragraphs 1 and 2, the Defendant shall hire a third-party surveyor or engineer to confirm the elevations and grades for the dirt/fill on the Property. This survey shall be provided to the County to confirm compliance with the provisions of this Order. The fill may not exceed levels greater than 12 inches of the approved REST-2015-0003.
4. If excess fill remains after sealing the two sediment basins and the sediment trap, the Defendant shall prepare and submit a Grading Permit application to the County consistent with the information provided in the Abatement Plan described in paragraph 2 prior to 30 days of beginning the work described in the Abatement Plan. In addition, if necessary, the Defendant shall modify the VSMP Permit and any other current permits or bonds as deemed appropriate by the County.
5. The Defendant shall complete the work described in Paragraph 1 and 2 by November 15, 2022. If the Defendant seeks additional time for completion of the work, then the Defendant must request, sixty (60) days prior to November 15, 2022, such an extension from the Zoning Administrator. The Zoning Administrator may grant an extension of time with respect to the above date if the Zoning Administrator determines that a weather event has prevented the fulfillment of the work described in Paragraph 1 and 2. The Defendant must produce documentation of the weather event when requesting an extension described in this paragraph.
6. The Defendant shall provide a weekly status update of the work performed by the close of business on Friday of each week after entry of this Order and commencement of work, to the County by sending an email to Keith Fairfax at keith.fairfax@loudoun.gov.

7. The County may enter upon the property at any time to inspect for compliance with the Abatement Order Plan and Grading Permit Application.
8. After the Defendant has completed the work in compliance with Order of Abatement, the violation described in the Notice of Violation shall be considered abated.
9. The County of Loudoun is hereby awarded judgment in the amount of \$200.00 plus 0% interest effective August 24, 2018, for fines, \$0.00 for administrative fees and \$0.00 for attorney fees.

ENTERED THIS 3rd day of November, 2021.

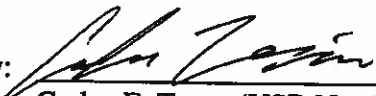


Judge

SEEN AND AGREED:

LEO P. ROGERS
COUNTY ATTORNEY


By:



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SEEN AND AGREED:

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