

CPM Virginia LLC  
Caribe Aggregates, LTD

Neil T. Wallace  
President

P. O. Box 6902, Williamsburg, VA 23188  
Cell 757-784-0050 ✓  
Fax 757-645-3755  
Email: ntwallace@aol.com

COASTAL

547-5727  
Atlantic Coastal FAX

**HEADWATERS**  
RESOURCES

125 Summit Hill Lane  
Lake City, TN 37769  
P: 804.271.7887  
F: 865.426.2841  
vdavis@headwaters.com

VERNON H. DAVIS  
Technical Sales Representative  
Cell: 404.915.5694

ville PAVEMENT SECTION

14/8/14/2

NEIL WALLACE CAM

1 757 784 0050

DAVE BRISTOW DOM VA PAVEN  
804 273-4126

JIM DELUZIO VFL TECHNOLOGY CORP  
484 947-2219

**HEADWATERS**  
RESOURCES

VFL TECHNOLOGY CORP.  
841 Juniper Crescent  
Suite 102  
Chesapeake, VA 23320  
P: 757.366.4401  
F: 757.366.4408  
croberts@headwaters.com

CHARLES ROBERTS  
Regional Sites Manager  
Cell: 757.435.0388

April 22, 2008

City of Chesapeake

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

**CERTIFIED LETTER**

7004 1160 0006 3534 5388

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREEN- PHASES 1 AND 1A – AC #01408200**

Dear Mr. Robinson:

Reference is made to our letter of March 14, 2008, copy enclosed.

Please be advised that a Mr. Jim DeLizzio purporting to represent your company advised this office via voice mail on or about April 15, 2008 that VFL Technology Corporation refuses to submit as-built drawings for the retention areas of the referenced site. It is requested that the as-built drawings and the \$300 permit fee be submitted to this office no later than June 23, 2008. Should you fail to submit the required items by the date specified, we will have no alternative but to forward this matter to the City Attorney for appropriate action.

Should you need additional information, please advise.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb  
Enclosure

cc: Ronald S. Hallman, City Attorney

Westchester Fire Insurance Company  
P. O. Box 41484  
Philadelphia, PA 19101-1484  
Attn: Claims Department  
w/copies of bonds. No. K0, 72. 23, 69, 9 & K0, 72. 23, 70 & 5



March 14, 2008

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS – AC #01408200**

Dear Mr. Robinson:

Please be advised that as-built drawings are required for the retention areas at the referenced site. The as-built drawing shall show the final depth of the excavation, the grade of all banks, walls, and slopes of the excavation, and the volume of materials removed.

Please submit the as-builts to this office along with your check in the amount of \$300.00 to cover the cost of the stormwater permits in order to effect release of the permit bonds posted for this site.

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD:lb



PERMIT BOND

Bond No. KO 72 23 69 9

KNOW ALL MEN BY THESE PRESENTS, That we VFL TECHNOLOGY CORPORATION

Principal, and WESTCHESTER FIRE INSURANCE COMPANY, a corporation duly incorporated under the laws of the State of NEW YORK, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of THREE HUNDRED TWENTY THOUSAND & NO/100 Dollars (\$ 320,000.00\* \* \* \* \*), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 21ST day of JANUARY, A. D. 2005.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes: CLEARING, FILLING, EXCAVATING, GRADING OR TRANSPORTING OR ANY COMBINATION THEREOF, INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL FACILITIES AND CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE WITH APPROVED PLAN OF ETHERIDGE GREENS, PHASE 1A

NOW, THEREFORE, The condition of this obligation is such that if the said principal, VFL TECHNOLOGY CORPORATION

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

  
\_\_\_\_\_

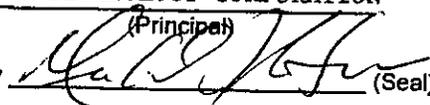
Approved as to form

  
\_\_\_\_\_

Assistant City Attorney

VFL TECHNOLOGY CORPORATION

(Principal)

By  (Seal)

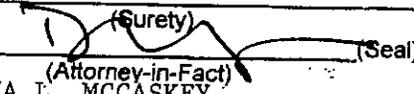
16 HAGERTY BLVD.

(Address)

WEST CHESTER, PA 19382

WESTCHESTER FIRE INSURANCE COMPANY

(Surety)

By  (Seal)

(Attorney-in-Fact)

DANA L. MCCASKEY

CG-24,027/Revised April 2000  
Previous editions are obsolete

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and

for the CITY aforesaid, in the State aforesaid, do certify that MICHAEL ROBINSON Vice President of VFL TECHNOLOGY CORPORATION, Address: 16 HAGERTY BLVD., WEST CHESTER, PA whose name is signed to the above bond, bearing date on the 21ST day of JANUARY, 2005, personally appeared before me in my CITY aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 30TH day of NOVEMBER, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and for the CITY aforesaid, do certify that DANA L. MCCASKEY personally appeared before me in my CITY aforesaid and made oath that he/she is ATTORNEY-IN-FACT of the WESTCHESTER FIRE INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \*\*\*RECORDATION PENDING - SEE ATTACHED and recorded in the Clerk's Office of the of in Deed Book No. page a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is \$ 476,173,943.00 that the penalty of the foregoing bond is not in excess of ten percent of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said ATTORNEY-IN-FACT thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires NOVEMBER 30, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public

**Power of Attorney**

WESTCHESTER FIRE INSURANCE COMPANY



1044497

145125

**Know all men by these presents:** That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on November 8, 1999, to wit:

- "RESOLVED, that the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof.
- (1) That the President, any Senior Vice President, any Vice President, and Assistant Vice President, or any Attorney-in-Fact, may execute for and on behalf of the Company any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof, the same to be attested when necessary by the Corporate Secretary, or any Assistant Corporate Secretary, and the seal of the Company affixed thereto, and that the President, any Senior Vice President, any Vice President or any Assistant Vice President may appoint and authorize any other Officer (elected or appointed) of the Company, and Attorneys-in-Fact to so execute or attend to the execution of all such writings on behalf of the Company and to affix the seal of the Company thereto.
- (2) Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested to by the Corporate Secretary.
- (3) The signature of the President, or a Senior Vice President, or a Vice President, or an Assistant Vice President and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and Resolution, and the signature of a certifying Officer and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and discharge of their duties.
- (4) Such other Officers of the Company, and Attorneys-In-Fact shall have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.
- (5) The passage of this Resolution does not revoke any earlier authority granted by Resolutions of the Board of Directors."

Does hereby nominate, constitute and appoint DUREMA KISSAM, DANA L. MCCASKEY and KAYLYN HOLSHU all of the City of Richmond, State of Virginia, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Five Million Dollars (\$5,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Gregory J. Otterson, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 30th day of September 2003.



WESTCHESTER FIRE INSURANCE COMPANY

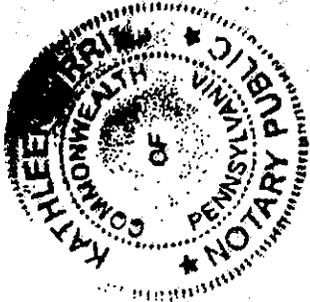
*Gregory J. Otterson*

Gregory J. Otterson, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 30th day of September, A.D. 2003, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Gregory J. Otterson, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



NOTARIAL SEAL  
Kathleen Tirri, Notary Public  
Philadelphia, Philadelphia County  
My commission expires September 22, 2007

*Kathleen Tirri*

Notary Public

I, the undersigned Secretary of WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Secretary, and affixed the corporate seal of the Corporation, this 21<sup>st</sup> day of *September* 2003



*George D. Mulligan*

George D. Mulligan, Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER September 30, 2005.

PERMIT BOND

Bond No. KO 72 23 70 5

KNOW ALL MEN BY THESE PRESENTS, That we VFL TECHNOLOGY CORPORATION

Principal, and WESTCHESTER FIRE INSURANCE COMPANY, a corporation duly incorporated under the laws of the State of NEW YORK, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of ONE HUNDRED EIGHTY-FOUR THOUSAND & NO/100 Dollars (\$ 184,00.00\* \* \* \* \*), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 21ST day of JANUARY, A. D. 2005.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes: CLEARING, FILLING, EXCAVATING, GRADING OR TRANSPORTING OR ANY COMBINATION THEREOF, INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL FACILITIES AND CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE WITH APPROVED PLAN OF ETHERIDGE GREENS, PHASE I.

NOW, THEREFORE, The condition of this obligation is such that if the said principal, VFL TECHNOLOGY CORPORATION

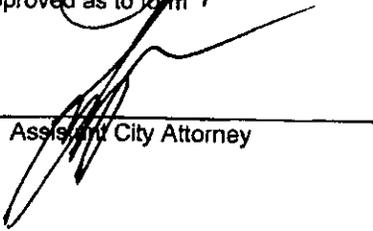
shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:



Approved as to form

  
Assistant City Attorney

VFL TECHNOLOGY CORPORATION

(Principal)

By  (Seal)

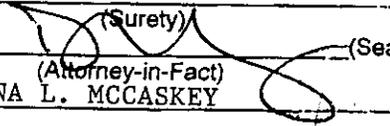
16 HAGERTY BLVD.

(Address)

WEST CHESTER, PA 19382

WESTCHESTER FIRE INSURANCE COMPANY

(Surety)

By  (Seal)

(Attorney-in-Fact)

DANA L. MCCASKEY

CG-24,027/Revised April 2000  
Previous editions are obsolete

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and

for the CITY aforesaid, in the State aforesaid, do certify that MICHAEL ROBINSON Vice President of VFL TECHNOLOGY CORPORATION, Address: 16 HAGERTY BLVD., WEST CHESTER, PA whose name is signed to the above bond, bearing date on the 21ST day of JANUARY, 2005, personally appeared before me in my CITY aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 30TH day of NOVEMBER, 2007.

Given under my hand this 21ST day of JANUARY, 2005

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU a notary public in and for the CITY aforesaid, do certify that DANA L. MCCASKEY personally appeared before me in my CITY aforesaid and made oath that he/she is ATTORNEY-IN-FACT of the WESTCHESTER FIRE INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \*\*\*RECORDATION PENDING - SEE ATTACHED and recorded in the Clerk's Office of the of in Deed Book No. page a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is \$ 476,173,943.00 that the penalty of the foregoing bond is not in excess of ten percent of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said ATTORNEY-IN-FACT thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires NOVEMBER 30, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public

**Power of Attorney**

145125

WESTCHESTER FIRE INSURANCE COMPANY



1044498

**Know all men by these presents:** That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on November 8, 1999, to wit:

- "RESOLVED, that the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof:
- (1) That the President, any Senior Vice President, any Vice President, and Assistant Vice President, or any Attorney-in-Fact, may execute for and on behalf of the Company any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof, the same to be attested when necessary by the Corporate Secretary, or any Assistant Corporate Secretary, and the seal of the Company affixed thereto, and that the President, any Senior Vice President, any Vice President or any Assistant Vice President may appoint and authorize any other Officer (elected or appointed) of the Company, and Attorneys-In-Fact to so execute or attest to the execution of all such writings on behalf of the Company and to affix the seal of the Company thereto.
- (2) Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested to by the Corporate Secretary.
- (3) The signature of the President, or a Senior Vice President, or a Vice President, or an Assistant Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to this Resolution, and the signature of a certifying Officer and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.
- (4) Such other Officers of the Company, and Attorneys-In-Fact shall have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.
- (5) The passage of this Resolution does not revoke any earlier authority granted by Resolutions of the Board of Directors."

Does hereby nominate, constitute and appoint DUREMA KISSAM, DANA L. MCCASKEY and KAYLYN HOLSHU all of the City of Richmond, State of Virginia, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Five Million Dollars (\$5,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Gregory J. Otterson, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 30th day of September 2003.



WESTCHESTER FIRE INSURANCE COMPANY

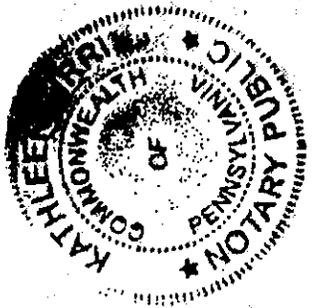
*Gregory J. Otterson*

Gregory J. Otterson, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 30th day of September, A.D. 2003, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Gregory J. Otterson, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



NOTARIAL SEAL  
Kathleen Tirri, Notary Public  
Philadelphia, Philadelphia County  
My commission expires September 22, 2007

*Kathleen Tirri*

Notary Public

I, the undersigned Secretary of WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Secretary, and affixed the corporate seal of the Corporation, this 21st day of

*George D. Mulligan* 2003



*George D. Mulligan*

George D. Mulligan, Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER September 30, 2005.

---

# Chesapeake

VIRGINIA

---

City of Chesapeake • Department of Public Works  
Post Office Box 15225 • Chesapeake, Virginia 23328

Westchester Fire Insurance Company  
P. O. Box 41484  
Philadelphia, PA 19101-1484  
Attn: Claims Department  
w/copies of bonds. No. KO, 72. 23, 69, 9 &  
72. 23, 70 & 5

---

# Chesapeake

VIRGINIA

---

City of Chesapeake • Department of Public Works  
Post Office Box 15225 • Chesapeake, Virginia 23328

VFL Technology Corporation

Mr. Michael Dickinson Vice President

**COMPLETE THIS SECTION**

2, and 3. Also complete Delivery is desired. and address on the reverse turn the card to you. to the back of the mailpiece, space permits.

Technology Corp.  
Michael Robinson, VP  
16 Hagerty Boulevard  
West Chester PA 19382

7004 1160 0006 3534 5388

January 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage \$ 000/10

Certified Fee

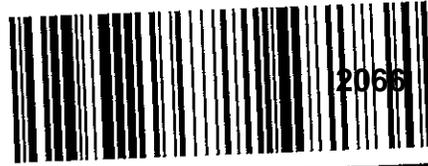
Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees \$

Postmark  
Here

0005 1160 0006 3534 5388  
0005 1160 0006 3534 5388



2066

Sent to Michael Robinson  
VFL Technology Corporation  
 Street, Apt. No. 16 Hagerty Boulevard  
 or PO Box No. West Chester PA 19382  
 City, State, ZIP+4

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DC0116

**City of Chesapeake**  
Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23325

**Dave Dombroski - Fwd: Re: Virginian-Pilot -- follow-up**

---

**From:** Dave Dombroski  
**To:** Tammy Barry  
**Date:** 2/15/2008 11:06 AM  
**Subject:** Fwd: Re: Virginian-Pilot -- follow-up

---

Tammy,

I reviewed the permits file for Etheridge Greens, AC#01408200 and found

- 1) No land disturbing permit was issued to Whittamore Properties LLC for this site.
- 2) No stormwater permit was issued to Atlantic Coastal Contractors for this site.
- 3) No bond was posted by Tri-City Contractors for this site.

Should you need additional information, please advise.

David G. Dombroski, Permits Engineer  
City of Chesapeake  
Department of Public Works  
PO Box 15225  
Chesapeake, VA 23328  
Phone (757) 382-6304  
Fax (757) 382-6310 or 8537  
email dombroski@cityofchesapeake.net

>>> Tammy Barry 2/15/2008 9:05 AM >>>

Hi Dave:

Can you pull the files needed from below email by end of today if possible? THANKS!

Tammy

>>> Mark Curry 2/15/2008 9:00 AM >>>

I'm out today, but Dave Dombroski would have copies of the permits and the bond.

>>> Tammy Barry 02/15/08 7:44 AM >>>

Hi Bob:

I was out of the office yesterday or you would have heard from me earlier. I have forwarded your request on to Mark Curry and will contact you as soon as we locate the documents you requested below. We have a few people out of the office today due to the long weekend but I'll do my best to get back to you in a timely manner. Thanks.

Tammy L. Barry  
Public Information Specialist  
City of Chesapeake, Public Works  
757-382-6983  
F: 757-382-8537

>>> "Robert McCabe" <Robert.McCabe@pilotonline.com> 2/13/2008 6:05 PM >>>

Tammy Barry  
PIO  
Department of Public Works

Chesapeake, VA 23320  
Wednesday Feb. 13, 2008

Hi, Tammy:

Since we met recently, I've learned that there are a few other Public Works documents relating to Etheridge Greens Golf Course that I don't think were in the stack of materials I received.

They are:

- 1) the land-disturbance permit, issued to Whittamore Properties LLC
- 2) the stormwater permit, issued to Atlantic Coastal Contractors
- 3) a performance bond, issued to Tri-City Contractors

All of these would have been issued sometime in the 2002 time frame. All would have come through Public Works.

If these records are included in what you gave me already, my apologies in advance. But I've looked through the papers and can't find them. I'll follow up with a phone call. I'd like to come in and review these records, and all other permits and/or bonds connected with this project, just as I did with the site plans and other documents.

Thank you.

Sincerely,

Bob McCabe  
The Virginian-Pilot  
477-0706 (cell)

**From:** Karen Harrell  
**To:** Dombroski, Dave  
**Date:** 3/4/2008 9:45 AM  
**Subject:** Final: Etheridge Greens, # 014082

The golf course is vegetated and ready for release. No punchlist. KWH

February 28, 2008

Adroit Utilities, Inc.  
Mr. Brian Malcolm, President  
1729 West Road, Suite 4  
Chesapeake, Virginia 23323

**RE: ETHERIDGE GREEN, CENTERVILLE TURNPIKE/WHITTAMORE ROAD  
INTERSECTION IMPROVEMENTS – AC #01408200**

Dear Mr. Malcolm:

A recent inspection of the referenced site indicates that all work has been completed in a satisfactory manner. We are therefore releasing The Cincinnati Insurance Company permit bond No. B8867441 in the amount of \$82,000.00.

Should additional information be needed, you may reach me at 382-6304.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/lb

cc: The Taylor Johnson Group  
Ms. Marni Cannata  
P. O. Box 3707  
Virginia Beach, Virginia 23454  
w/original bond



February 27, 2008

CPM Virginia, LLC  
Mr. Neil Wallace  
P. O. Box 6902  
Williamsburg, Virginia 23188

**RE: ETHERIDGE GREEN – AC #01408200**

Dear Mr. Wallace:

Per our telephone conversation, all work related to the Centerville Turnpike/Whittamore Road Intersection improvements has been completed to our satisfaction.

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD:lb

cc via Fax: Richard Matthews  
(757) 497-1914





City of Chesapeake

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

March 14, 2008

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS – AC #01408200**

Dear Mr. Robinson:

Please be advised that as-built drawings are required for the retention areas at the referenced site. The as-built drawing shall show the final depth of the excavation, the grade of all banks, walls, and slopes of the excavation, and the volume of materials removed.

Please submit the as-builts to this office along with your check in the amount of \$300.00 to cover the cost of the stormwater permits in order to effect release of the permit bonds posted for this site.

Should you need additional information, please advise.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb



April 10, 2008

Mr. Issam Baraki  
SIA Site Improvement  
800 Juniper Crescent, Suite A  
Chesapeake, VA 23320

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

RE: Battlefield Golf Club (aka Etheridge Greens)  
AC # 014082 00

Dear Mr. Baraki;

For our final review of the site plan for compliance with all state local and federal laws (Use Permit Stipulation No. 12), we request that the applicant supply the City with documentation on the golf course's current compliance with DEQ regulations (9VAC 20-85 and in particular, 9VAC 20-85-70) before approval of the final site plan. We also request the applicant provide the City with a letter or other documentation from DEQ that the use of fly ash (CCB) on the site is exempt from DEQ's Solid Waste regulations in accordance with 9VAC20-80-150 or 9VAC20-80-160 or falls under the CCB use regulations (9VAC 20-85). This determination is necessary as it relates to the requirements of City Code **Section 62-88, Solid Waste Management Facilities – Conditional Use Permit Required.**

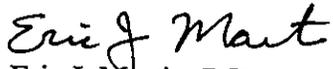
Exempted from use permit requirement...

(7) The use or reuse of the coal combustion byproducts (CCBs) commonly known as "fly ash" or "bottom ash" as i) a base or subbase material for construction or paving, ii) a binder or admixer combined with cement to produce concrete (such as use in concrete block and pipe, pavements or buildings), iii) a stabilized fill material when processed with a cementitious binder, or iv) other beneficial uses where the CCB is substituted for natural or commercial products in a manner that does not have an adverse effect on the public health, safety, welfare or environment. This exemption shall only apply in cases where the proposed beneficial use of the CCB has been approved by the Virginia Department of Environmental Quality in accordance with the Virginia Solid Waste Management Regulations or Regulation Governing Management of Coal Combustion By-Products or is exempt from such regulations. All beneficial use of CCB permitted under this exemption must be conducted in accordance with applicable state, federal and local laws, regulations and permits; provided that, however, any use of CCB under the Virginia Solid Waste Management Regulations shall be exempt from the requirements in sections 62-91, 62-92 and 62-93 of this chapter. The use of CCB in a manner governed by the Regulation Governing Management of Coal Combustion By-Products shall be exempt from the requirements in sections 62-92 and 62-93 of this ordinance but shall expressly remain subject to all requirements of section 62-91. Notwithstanding the foregoing, the storage or stockpiling of CCBs for disposal or for sale shall not be considered a beneficial use under this section. On-site stockpiling of CCBs for use in a specific construction project in progress or scheduled to commence within 30 days of the date the stockpile is placed on the site shall be permitted, provided that i) the use of CCBs are identified on construction plans submitted to the department of public works, ii) the stockpile does not exceed the amount of CCBs needed for the project or 1,000 cubic yards, whichever is less, and iii) the CCBs are removed from the site and lawfully disposed of within 30 days of the completion of the project or portion of the project involving the use of CCBs. Failure to abide by any applicable law, regulation or permit shall render the use unlawful and shall give rise to an immediate requirement for the removal and lawful disposal of the CCB.



Please submit the required documentation as soon as possible so we may complete our review of the use permit stipulations.

Sincerely,



Eric J. Martin, P.E.  
City Engineer

cc: Ronald Hallman, City Attorney  
Tim Davis, Zoning Administrator  
✓ File



Published on HamptonRoads.com | PilotOnline.com (<http://hamptonroads.com>)

## Chesapeake to offer water testing near fly-ash golf course

### CHESAPEAKE

The city will pay to test wells of homeowners living near a golf course made from fly ash beginning this weekend, City Manager William E. Harrell said Thursday.

Hand-delivered letters to homeowners immediately adjacent to the course are expected to go out today, Harrell said.

The announcement came less than a week after a report in The Virginian-Pilot about Battlefield Golf Club at Centerville, an 18-hole course sculpted from 1.5 million tons of fly ash, a powdery byproduct of the burning of coal for electricity, that came from Dominion Virginia Power's Chesapeake Energy Center in Deep Creek.

"I'm glad they're doing it, if they're really going to do it; it's the proper thing to do," said Harriet West, whose Murray Drive home backs to the golf course.

She and her husband, Mark, have lived there for 22 years.

"They approved the mess and they should help straighten it up," she said.

Testing also is planned on the golf course itself, Harrell said.

"The city certainly expects Dominion Virginia Power and the property owners to be partners in resolving any problems that are determined from the analysis of the wells," Harrell said.

The issue also has drawn the attention of environmental groups.

"Even if groundwater contamination has not yet occurred, it's going to be a perpetual threat, so the entire site needs to be monitored for hazardous constituents," said Lisa Evans, a former EPA attorney who now works with Earthjustice, a nonprofit law firm that began in the 1970s as the Sierra Club Legal Defense Fund.

The testing of private wells will be offered on a voluntary basis, according to a draft of a letter to residents by J.K. Walski, the city's director of public utilities.

Testing may be expanded to include additional residences based on the results from the first samples, according to the draft letter, released late Thursday.

An independent company will take well water samples and test them against U.S. Environmental

Protection Agency drinking water standards.

The letters, to be delivered to those whose homes are within 2,000 feet of the course, also will notify them officially of the June 20 deadline for reporting any wells that have dried up or show signs of contamination.

That deadline was included as a stipulation in the conditional use permit for the golf course project unanimously approved by the Chesapeake City Council on June 20, 2001.

The stipulation gave homeowners seven years to make claims on the golf course owners for wells damaged by the project.

Fly ash, which years ago went up the smokestacks of power plants, now is captured, stockpiled and regulated as a solid waste because it contains heavy metals such as arsenic that can leach into groundwater, contaminating wells.

Arsenic has been linked to cancer, according to the EPA .

Dominion was not the applicant for the city's use permit but only supplied the fly ash for the project.

The utility said the fly ash was mixed with a chemical additive to bind the metals, making them unable to dissolve and inhibiting leaching.

The golf course project was exempt from the requirement for a solid-waste permit for landfills because it met the criteria for "beneficial use" programs encouraged by the EPA.

The golf course was developed by CPM Virginia LLC, an affiliate of Combustion Products Management Inc., or CPM, which was based in Ithaca, N.Y., when the project was approved.

The applicant for the city's conditional use permit was Robert S. Diberardinis, a CPM executive.

The original developers no longer are involved in the project, having sold the property to MJM Golf LLC, a Norfolk-based company, in January 2007.

City officials on Thursday clarified the operational status of the golf course. Though the city said the course had been temporarily shut down last week, golfers still were in plain view through the first half of this week.

City officials explained that while business operations on the golf course were suspended – meaning there could be no cash transactions for greens fees and the like – those with club memberships still were allowed to play the course.

Patrick M. Hughes, director of Neighborhood Services for the city, said the golf course had been cited with a second "notice of violation" on Thursday, for not having an approved site plan.

A month ago, the course was cited for a building code violation relating to improper permitting for its construction trailer.

On March 27, a misdemeanor summons was issued to the golf course alleging failure to obtain a building permit before use of a structure.

A tentative court date is set for April 30, Hughes said.

*Robert McCabe, (757) 222-5217, robert.mccabe@pilotonline.com*

---

**Source URL (retrieved on 04/04/2008 - 14:05):** <http://hamptonroads.com/2008/04/chesapeake-offer-water-testing-near-flyash-golf-course>

March 14, 2008

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS – AC #01408200**

Dear Mr. Robinson:

Please be advised that as-built drawings are required for the retention areas at the referenced site. The as-built drawing shall show the final depth of the excavation, the grade of all banks, walls, and slopes of the excavation, and the volume of materials removed.

Please submit the as-builts to this office along with your check in the amount of \$300.00 to cover the cost of the stormwater permits in order to effect release of the permit bonds posted for this site.

Should you need additional information, please advise.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb

February 20, 2008

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS  
AC # 01408200**

Dear Mr. Robinson:

During a recent review of our files it was discovered that the bonds submitted by VFL Technology Corp. in January of 2005 were approved by the City Attorney but the corresponding permits were not signed by Public Works. The permits have now been signed and your copies are enclosed. Also, enclosed please find your checks numbered 2025 and 2026. As these checks are now stale, we request that you remit \$300.00 to this office to cover the cost of the stormwater permits for Phase 1 and Phase 1A.

Should you need additional information, please call me at 382-6304 or email [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net).

Cordially,

David G. Dombroski  
Permits Engineer

DGD:bac  
Enclosure

February 27, 2008

CPM Virginia, LLC  
Mr. Neil Wallace  
P. O. Box 6902  
Williamsburg, Virginia 23188

**RE: ETHERIDGE GREEN – AC #01408200**

Dear Mr. Wallace:

Per our telephone conversation, all work related to the Centerville Turnpike/Whittamore Road Intersection improvements has been completed to our satisfaction.

Should you need additional information, please advise.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb

cc via Fax: Richard Matthews  
(757) 497-1914

February 27, 2008

C & M Contracting, Inc.  
Mr. Ronald D. Curry, President  
530 Woodlake Circle  
Chesapeake, Virginia 23320

**RE: ETHERIDGE GREEN – AC #0140820**

Dear Mr. Curry:

Please be advised that SAFECO Insurance Company of America permit bond No. 6034692 has been replaced by other surety. Therefore, this bond in the amount of \$184,000.00 is released effective March 15, 2008.

Should you need additional information, please call me at (757) 382-6304.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb

cc: Paul T Bellinger  
3801 Overlook Place  
Powhatan, VA 23139

February 27, 2008

C & M Contracting, Inc.  
Mr. Ronald D. Curry, President  
530 Woodlake Circle  
Chesapeake, Virginia 23320

**RE: ETHERIDGE GREEN – AC #0140820**

Dear Mr. Curry:

Please be advised that SAFECO Insurance Company of America permit bond No. 6034695 has been replaced by other surety. Therefore, this bond in the amount of \$320,000.00 is released effective March 15, 2008.

Should you need additional information, please call me at (757) 382-6304.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb

cc: Paul T Bellinger  
3801 Overlook Place  
Powhatan, VA 23139  
(with permit bond)

February 28, 2008

Adroit Utilities, Inc.  
Mr. Brian Malcolm, President  
1729 West Road, Suite 4  
Chesapeake, Virginia 23323

**RE: ETHERIDGE GREEN, CENTERVILLE TURNPIKE/WHITTAMORE ROAD  
INTERSECTION IMPROVEMENTS – AC #01408200**

Dear Mr. Malcolm:

A recent inspection of the referenced site indicates that all work has been completed in a satisfactory manner. We are therefore releasing The Cincinnati Insurance Company permit bond No. B8867441 in the amount of \$82,000.00.

Should additional information be needed, you may reach me at 382-6304.

Cordially,

David G. Dombroski  
Permits Engineer

DGD/lb

cc: The Taylor Johnson Group  
Ms. Marni Cannata  
P. O. Box 3707  
Virginia Beach, Virginia 23454  
w/original bond

March 4, 2008

Mr. Paul T. Bollinger  
3801 Overlook Place  
Powhattan, Virginia 23139-7031

**RE: ETHERIDGE GREEN – AC #01408200**

Dear Mr. Bollinger:

Please find enclosed original SAFECO Insurance Company of America permit bond No. 6034692. This bond was released on February 27, 2008. A copy of the release is also enclosed.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb  
Enclosure

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

February 20, 2008

VFL Technology Corporation  
Mr. Michael Robinson, Vice President  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS  
AC # 01408200**

Dear Mr. Robinson:

During a recent review of our files it was discovered that the bonds submitted by VFL Technology Corp. in January of 2005 were approved by the City Attorney but the corresponding permits were not signed by Public Works. The permits have now been signed and your copies are enclosed. Also, enclosed please find your checks numbered 2025 and 2026. As these checks are now stale, we request that you remit \$300.00 to this office to cover the cost of the stormwater permits for Phase 1 and Phase 1A.

Should you need additional information, please call me at 382-6304 or email [dombroski@cityofchesapeake.net](mailto:dombroski@cityofchesapeake.net).

Cordially,



David G. Dombroski  
Permits Engineer

DGD:bac  
Enclosure



2026

VFL TECHNOLOGY CORP  
(757) 366-4401  
841 JUNIPER CRESCENT, SUITE 102  
CHESAPEAKE, VA 23320

68-25/510

DATE 1/25/05

PAY TO THE ORDER OF *City of Chesapeake* \$ 150.<sup>00</sup>/<sub>100</sub>



DOLLARS



WACHOVIA

Wachovia Bank, N.A.  
Chesapeake, VA 23323

(1-A)

*Charles Robert*

FOR

⑆002026⑆ ⑆051000253⑆

1841452166⑈

MP

2025

VFL TECHNOLOGY CORP  
(757) 366-4401  
841 JUNIPER CRESCENT, SUITE 102  
CHESAPEAKE, VA 23320

68-25/510

DATE 1/25/05

PAY TO THE ORDER OF *City of Chesapeake* \$ 150.<sup>00</sup>/<sub>100</sub>



DOLLARS



WACHOVIA

Wachovia Bank, N.A.  
Chesapeake, VA 23323

①

*Charles Robert*

FOR

⑆002025⑆ ⑆051000253⑆

1841452166⑈

MP

**Carol Kalman**

---

**From:** Mike Robinson  
**Sent:** Monday, February 25, 2008 2:41 PM  
**To:** Rob Roseborough  
**Cc:** Vernon Davis; Carol Kalman; Jim DeLizzio; Dan Diadiun  
**Subject:** RE: City of Chesapeake

Vernon,  
Please pay this as Rob suggests.  
MikeR

-----Original Message-----

**From:** Rob Roseborough  
**Sent:** Monday, February 25, 2008 11:56 AM  
**To:** Mike Robinson  
**Cc:** Vernon Davis; Carol Kalman; Jim DeLizzio  
**Subject:** FW: City of Chesapeake  
**Importance:** High

This is very possible. It was permits to disturb the land at the Golf Course Project. Jim DeLizzio and I discussed this past year the status of these permits.

I would advise the following. Pay the \$300 and request the permits be closed under VFL's name due to the fact that we no longer have responsibility there, but the liability is if something goes wrong.

Jim anything I missed?

Rob

Robert C. Roseborough  
NE Operations Manager  
16 Hagerty Boulevard  
West Chester, PA 19382  
P: 610-383-5910  
rroseborough@headwaters.com

-----Original Message-----

**From:** Mike Robinson  
**Sent:** Monday, February 25, 2008 12:56 PM  
**To:** Rob Roseborough  
**Cc:** Vernon Davis; Carol Kalman  
**Subject:** FW: City of Chesapeake  
**Importance:** High

Rob,  
Please advise.  
Thanks  
Robo

-----Original Message-----

**From:** Carol Kalman  
**Sent:** Monday, February 25, 2008 10:23 AM  
**To:** Mike Robinson  
**Subject:** FW: City of Chesapeake  
**Importance:** High

Mike,

The above attachment was received in today's mail. It was addressed to your attention and sent by regular mail.

Please advise, if you need these originals sent to you, or who should I forward to.

Carol

-----Original Message-----

From: Carol Kalman [mailto:ckalman@headwaters.com]

Sent: Monday, February 25, 2008 12:18 PM

To: Carol Kalman

Subject: City of Chesapeake

This E-mail was sent from "RNPB978E6" (Aficio MP C3500).

Scan Date: 02.25.2008 12:18:11 (-0500)



City of Chesapeake

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

February 27, 2008

C & M Contracting, Inc.  
Mr. Ronald D. Curry, President  
530 Woodlake Circle  
Chesapeake, Virginia 23320

**RE: ETHERIDGE GREEN – AC #0140820**

Dear Mr. Curry:

Please be advised that SAFECO Insurance Company of America permit bond No. 6034692 has been replaced by other surety. Therefore, this bond in the amount of \$184,000.00 is released effective March 15, 2008.

Should you need additional information, please call me at (757) 382-6304.

Cordially,

David G. Dombroski  
Permits Engineer

DGD:lb

cc: Paul T Bellinger  
3801 Overlook Place  
Powhatan, VA 23139



February 27, 2008

C & M Contracting, Inc.  
Mr. Ronald D. Curry, President  
530 Woodlake Circle  
Chesapeake, Virginia 23320

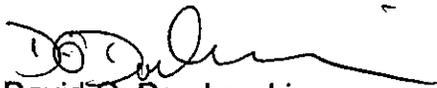
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Cordially,



David G. Dombroski  
Permits Engineer

DGD:lb

cc: Paul T Bellinger  
3801 Overlook Place  
Powhatan, VA 23139  
(with permit bond)

February 27, 2008

C & M Contracting, Inc.  
Mr. Ronald D. Curry, President  
530 Woodlake Circle  
Chesapeake, Virginia 23320

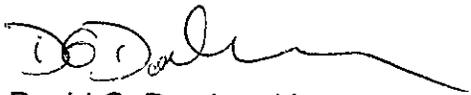
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Cordially,



David G. Dombroski  
Permits Engineer

DGD:lb

cc: Paul T Bellinger  
3801 Overlook Place  
Powhatan, VA 23139

PWEYM01  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/15/08  
TIME 10:35:44

Search using AC Number 014082 00

| Ln    | Permit Number | Stat | Date      | Description                | Property Address      |
|-------|---------------|------|-----------|----------------------------|-----------------------|
| CPM1  | C 0200199     | 00   | W 2/06/02 | ETHERIDGE GREENS           | 00000 CENTERVILLE TUR |
| IV2   | C 0200267     | 00   | C 2/22/02 | ETHERIDGE GREENS           | 00000 CENTERVILLE TUR |
| CPM3  | C 0401970     | 00   | 12/10/04  | ETHERIDGE GREENS INTERSECT | 00000 WHITTAMORE ROAD |
| A 4   | C 0500445     | 00   | A 3/24/05 | ETHERIDGE GREENS           | 00000 WHITTAMORE ROAD |
| CPM5  | N 0200200     | 00   | W 2/06/02 | ETHERIDGE GREENS CPM       | 00000 CENTERVILLE TUR |
| IV 6  | N 0200269     | 00   | C 2/22/02 | ETHERIDGE GREENS IV        | 00000 CENTERVILLE TUR |
| AC 7  | N 0200443     | 00   | C 3/26/02 | ETHERIDGE GREEN CILF COURS | 00000 WHITTAMORE ROAD |
| CPM8  | N 0300864     | 00   | A 6/13/03 | ETHERIDGE GREENS PHASE 1   | 01108 WHITTAMORE ROAD |
| CPM9  | N 0301388     | 00   | W 9/11/03 | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| CPM10 | N 0301389     | 00   | W 9/11/03 | ETHERIDGE GREES GOLF COURS | 01108 WHITTAMORE ROAD |

Enter line number of permit desired \_\_

F1 HELP F3 RETURN

CPM - Combustion Products Management  
A - Adroit  
IV - INNER VIEW  
AC - Atlantic Coastal  
CPM - C&M Contracting  
VFL - VFL Technology Corp

PWEYM01  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/15/08  
TIME 10:36:01

Search using AC Number 014082 00

| Ln   | Permit Number | Stat | Date       | Description                | Property Address      |
|------|---------------|------|------------|----------------------------|-----------------------|
| CDM1 | N 0301407     | 00   | W 9/16/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| IV 2 | N 0301729     | 00   | A 11/25/03 | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| CPM3 | N 0401971     | 00   | 12/10/04   | ETHERIDGE GREENS INTERSECT | 00000 WHITTAMORE ROAD |
| A 4  | N 0401972     | 00   | 12/10/04   | ETHERIDGE GREENS PHASE 1 A | 00000 WHITTAMORE ROAD |
| CPM5 | N 0401974     | 00   | 12/10/04   | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| IV 6 | N 0500047     | 00   | 1/19/05    | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| AC7  | N 0500049     | 00   | 1/19/05    | ETHERIDGE GREENS PHASE 1A  | 00000 WHITTAMORE ROAD |
| CSH8 | W 0201441     | 00   | C 9/11/02  | ETHERIDGE GREENS GOLF COU  | 01108 WHITTAMORE ROAD |
| CPM9 | W 0300865     | 00   | A 6/13/03  | ETHERIDGE GREENS PHASE 1   | 01108 WHITTAMORE ROAD |
| CA10 | W 0301390     | 00   | W 9/11/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |

MORE

Enter line number of permit desired \_\_\_\_

F1 HELP

F3 RETURN

F8 NEXT PAGE

PWEYM01  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/15/08  
TIME 10:36:22

Search using AC Number 014082 00

| Ln    | Permit Number | Stat | Date       | Description                | Property Address      |
|-------|---------------|------|------------|----------------------------|-----------------------|
| CPM 1 | W 0301433     | 00   | W 9/24/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| CPM 2 | W 0301730     | 00   | A 11/25/03 | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| CPM 3 | W 0401973     | 00   | 12/10/04   | ETHERIDGE GREENS PHASE 1 A | 00000 WHITTAMORE ROAD |
| CPM 4 | W 0401975     | 00   | 12/10/04   | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| VFL 5 | W 0500048     | 00   | 1/19/05    | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| VFL 6 | W 0500050     | 00   | 1/19/05    | ETHERIDGE GREENS PHASE 1A  | 00000 WHITTAMORE ROAD |
| 7     | 0000000       | 00   |            |                            |                       |
| 8     | 0000000       | 00   |            |                            |                       |
| 9     | 0000000       | 00   |            |                            |                       |
| 10    | 0000000       | 00   |            |                            |                       |

Enter line number of permit desired \_\_\_

LAST PERMIT DISPLAYED F3 TO EXIT  
F1 HELP F3 RETURN

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

**MEMORANDUM**

**TO:** Mr. Ronald S. Hallman, City Attorney *RKM*  
**FROM:** David G. Dombroski, Permits Engineer, Public Works *DGD*  
**DATE:** January 25, 2005  
**RE:** **ETHERIDGE GREEN – AC #01408200**

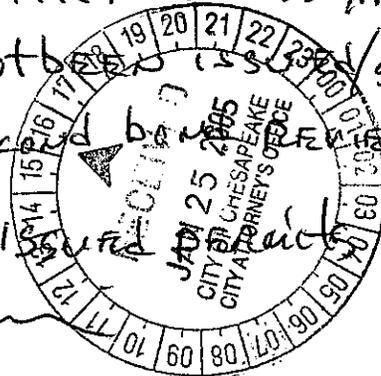
Please find attached permit bonds for the above referenced site. The bond amounts are correct.

Please approve same as to form and return to this office for further handling.

Please call Lutricia Sykes at ext. 6269 when ready for pick up.

DGD:ls  
Attachment

JOE D APPROVED BOND # KO 72 23 70 5  
AND APPARENTLY DIDN'T NOTICE KO 72 23 69 9.  
DGD WAS REVIEWING FILE ACT # 01408200 AND NOTICED  
THE PERMITS HAD NOT BEEN SIGNED FOR  
THESE BOND HAD BEEN SIGNED BY RICHARD H AND I  
BY RICHARD H AND I



*DGD*  
2/15/08

February 27, 2008

CPM Virginia, LLC  
Mr. Neil Wallace  
P. O. Box 6902  
Williamsburg, Virginia 23188

**RE: ETHERIDGE GREEN – AC #01408200**

Dear Mr. Wallace:

Per our telephone conversation, all work related to the Centerville Turnpike/Whittamore Road Intersection improvements has been completed to our satisfaction.

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD:lb

cc via Fax: Richard Matthews  
(757) 497-1914



D&D



**City of Chesapeake**

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
FAX (757) 382-6310  
FAX (757) 382-8537

November 13, 2007

Blake Engineering Services of Tidewater, PLLC  
Attn: Mr. John W. Blake, II, P.E.  
224 Dowling Drive  
Chesapeake, Virginia 23322

**SUBJECT: Etheridge Greens @ Centerville Turnpike Improvements,  
AC# 014082 00**

Dear Mr. Blake:

Enclosed is one (1) copy of the revised site plan received on October 31, 2007 approved for construction of erosion & sediment control, entrance improvements, street improvements and drainage improvements.

Certain revisions are noted in red on the plans. These plans are approved subject to incorporation of these revisions.

This approval is subject to the same provisions as the approved plan of January 28, 2002.

The changes approved by this revision are as follows:

1. Removal and replacement of portions of curb & gutter and pavement and mill & overlay of parts of Centerville Turnpike in the vicinity of its intersection with Whittamore Road.

Any further deviation from the approved plan will have to be submitted as a plan revision and approved by this Department prior to construction.

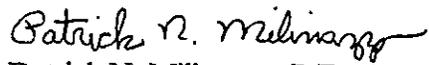
At the time of construction, should field conditions be different from those represented by the plans, a plan revision must be submitted to this office for approval prior to construction on any items that could be affected by the revision.



November 13, 2007  
Etheridge Greens @ Centerville Turnpike Improvements  
Page 2 of 2

Should you have any questions or need additional information, please contact me at (757) 382-6301.

Sincerely,



Patrick N. Milinazzo, P.E.  
Engineer II

Enclosure

cc: Mr. David G. Dombroski, Permits Engineer (w/enclosures - 2)  
Mr. Harold W. Creason, Fire Prevention  
File Room (w/enclosures - 2)

Combustion Products Management, Inc. (w/enclosure - 1)  
Attn: Mr. Neil Wallace  
1229 Kingsbury Drive  
Chesapeake, Virginia

PWEYM01  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/27/08  
TIME 15:01:23

Search using AC Number 014082 00

| Ln | Permit Number  | Stat | Date     | Description                | Property Address      |
|----|----------------|------|----------|----------------------------|-----------------------|
| 1  | C 0200199 00   | W    | 2/06/02  | ETHERIDGE GREENS           | 0000 CENTERVILLE TUR  |
| 2  | C 0200267 ✓ 00 | C    | 2/22/02  | ETHERIDGE GREENS           | 0000 CENTERVILLE TUR  |
| 3  | C 0401970 00   | W    | 12/10/04 | ETHERIDGE GREENS INTERSECT | 0000 WHITTAMORE ROAD  |
| 4  | C 0500445 ✓ 00 | C    | 3/24/05  | ETHERIDGE GREENS           | 0000 WHITTAMORE ROAD  |
| 5  | N 0200200 00   | W    | 2/06/02  | ETHERIDGE GREENS           | 0000 CENTERVILLE TUR  |
| 6  | N 0200269 ✓ 00 | C    | 2/22/02  | ETHERIDGE GREENS           | 0000 CENTERVILLE TUR  |
| 7  | N 0200443 ✓ 00 | C    | 3/26/02  | ETHERIDGE GREEN CILF COURS | 0000 WHITTAMORE ROAD  |
| 8  | N 0300864 ✓ 00 | C    | 6/13/03  | ETHERIDGE GREENS PHASE 1   | 01108 WHITTAMORE ROAD |
| 9  | N 0301388 00   | W    | 9/11/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| 10 | N 0301389 00   | W    | 9/11/03  | ETHERIDGE GREES GOLF COURS | 01108 WHITTAMORE ROAD |

Enter line number of permit desired \_\_\_

F1 HELP

F3 RETURN

PWEYMO1  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/27/08  
TIME 15:01:29

Search using AC Number 014082 00

| Ln | Permit Number  | Stat | Date     | Description                | Property Address      |
|----|----------------|------|----------|----------------------------|-----------------------|
| 1  | N 0301407 00   | W    | 9/16/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| 2  | N 0301729 ✓ 00 | C    | 11/25/03 | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| 3  | N 0401971 00   | W    | 12/10/04 | ETHERIDGE GREENS INTERSECT | 00000 WHITTAMORE ROAD |
| 4  | N 0401972 00   | W    | 12/10/04 | ETHERIDGE GREENS PHASE 1 A | 00000 WHITTAMORE ROAD |
| 5  | N 0401974 ✓ 00 | W    | 12/10/04 | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| 6  | N 0500047 ✓ 00 | A    | 1/19/05  | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| 7  | N 0500049 ✓ 00 | A    | 1/19/05  | ETHERIDGE GREENS PHASE 1A  | 00000 WHITTAMORE ROAD |
| 8  | W 0201441 ✓ 00 | C    | 9/11/02  | ETYHERIDGE GREENS GOLF COU | 01108 WHITTAMORE ROAD |
| 9  | W 0300865 ✓ 00 | A    | 6/13/03  | ETHERIDGE GREENS PHASE 1   | 01108 WHITTAMORE ROAD |
| 10 | W 0301390 00   | W    | 9/11/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |

MORE

Enter line number of permit desired \_\_

F1 HELP

F3 RETURN

F8 NEXT PAGE

PWEYM01  
USER DDOMBRO  
3.0.2D 042904

CITY OF CHESAPEAKE DEVELOPMENT  
PUBLIC WORKS DEPARTMENT  
PERMIT SEARCH

DATE 02/27/08  
TIME 15:01:34

Search using AC Number 014082 00

| Ln | Permit Number  | Stat | Date     | Description                | Property Address      |
|----|----------------|------|----------|----------------------------|-----------------------|
| 1  | W 0301433 00   | W    | 9/24/03  | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| 2  | W 0301730 ✓ 00 | C    | 11/25/03 | ETHERIDGE GREENS GOLF COUR | 01108 WHITTAMORE ROAD |
| 3  | W 0401973 00   | W    | 12/10/04 | ETHERIDGE GREENS PHASE 1 A | 00000 WHITTAMORE ROAD |
| 4  | W 0401975 00   | W    | 12/10/04 | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| 5  | W 0500048 ✓ 00 | A    | 1/19/05  | ETHERIDGE GREENS PHASE 1   | 00000 WHITTAMORE ROAD |
| 6  | W 0500050 ✓ 00 | A    | 1/19/05  | ETHERIDGE GREENS PHASE 1A  | 00000 WHITTAMORE ROAD |
| 7  | 0000000 00     |      |          |                            |                       |
| 8  | 0000000 00     |      |          |                            |                       |
| 9  | 0000000 00     |      |          |                            |                       |
| 10 | 0000000 00     |      |          |                            |                       |

Enter line number of permit desired \_\_\_

LAST PERMIT DISPLAYED F3 TO EXIT  
F1 HELP F3 RETURN

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

03/24/05

Permit Number C 0500445 00  
Project AC Number/Bond Number 014082 00 13

Permit Date 03/24/05

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS  
Total Value of Construction \$82,000.00

Tax Map Number 0620000000020  
Property Street 0000 WHITTAMORE ROAD Suite Zip

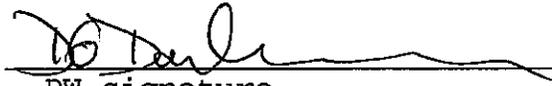
Contractor Number 94715 Type of Contractor C  
Licence Number City 0506988 State 2701026702A  
Name ADROIT UTILITIES C/O  
2nd Name  
Address 1729 WEST ROAD 4  
City CHESAPEAKE State VA Zip 23323 Phone 7574360633

Permission is hereby granted the permittee, insofar as the City of Chesapeake has the right and power to grant same, to perform the above described work at the location specified in accordance with City Standards.

The work shall be carried out in accordance with Chapter 66 of the Chesapeake City Code, entitled "Streets and Sidewalks," and PERMIT STANDARD PROVISIONS. Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant. The City of Chesapeake reserves full municipal control over the subject of this permit.

Receipt is acknowledged of \$147.00 which covers fees for inspection.

Processed by DAVE

  
PW signature 10/18/05  
date

Permittee further agrees to notify the Department of Public Works when the work herein referred to begins and when completed and to maintain said work thereafter in a manner approved.

Signature Permittee: , President

Permit is not valid without customer and Public Works signatures, exact fee and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

03/24/05

Permit Number C 0500445 00  
Project AC Number/Bond Number 014082 00 13

Permit Date 03/24/05

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS

Total Value of Construction \$82,000.00

Tax Map Number 0620000000020

Property Street 00000 WHITTAMORE ROAD Suite Zip

Contractor Number 94715 Type of Contractor C  
Licence Number City 0506988 State 2701026702A

Name ADROIT UTILITIES C/O

2nd Name

Address 1729 WEST ROAD 4

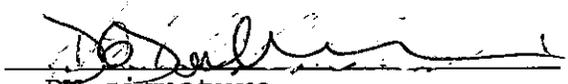
City CHESAPEAKE State VA Zip 23323 Phone 7574360633

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Receipt is acknowledged of \$147.00 which covers fees for inspection.

Processed by DAVE

  
PW signature

10/19/05  
date

Permittee further agrees to notify the Department of Public Works when the work herein referred to begins and when completed and to maintain said work thereafter in a manner approved.

Signature Permittee: Brian K. Moler, President

Permit is not valid without customer and Public Works signatures, exact fee and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

REPORT OF COLLECTIONS  
PUBLIC WORKS DEPARTMENT  
CITY OF CHESAPEAKE VIRGINIA

10/18/05

Permit Number C 0500445 00  
Project AC Number/Bond Number 014082 00 13

Received from:  
Name ADROIT UTILITIES C/O  
2nd Name  
Address 1729 WEST ROAD 4  
City CHESAPEAKE State VA Zip 23323 Phone

Commercial Permit Fee 453 \$147.00

Received by  10/18/05  
PW Signature Date

Approved by DDOMBRO 10/18/05

Notes: For cash processing on the Treasurers PIV System use  
GROUP: "PWENG"  
Enter Permit Number in field "REFERENCE"

PERMIT BOND

Bond No. B8867441

KNOW ALL MEN BY THESE PRESENTS, That we ADROIT UTILITIES, INC.

Principal, and THE CINCINNATI INSURANCE COMPANY, a corporation duly incorporated under the laws of the State of OHIO, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of EIGHTY TWO THOUSAND AND 00/100 Dollars (\$ 82,000.00), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 29TH day of MARCH, A. D. 2005.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

"Construct all improvements in accordance with approved plan of Etheridge Greens"

NOW, THEREFORE, The condition of this obligation is such that if the said principal, ADROIT UTILITIES, INC.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

Charles A. Roccaputo

ADROIT UTILITIES, INC.

(Principal)

By

Brian K. Malcolm

(Seal)

Brian K. Malcolm, President

1729 WEST ROAD, CHESAPEAKE, VA 23323

(Address)

Approved as to form

THE CINCINNATI INSURANCE COMPANY

(Surety)

By

Marni G. Cannata

(Seal)

(Attorney-in-Fact)

MARNI G. CANNATA, ATTORNEY-IN-FACT

Assistant City Attorney

CG-24,027/Revised April, 2000

Previous editions are obsolete 2106

ACKNOWLEDGMENT OF PRINCIPAL

BOND NUMBER B8867441

STATE OF VIRGINIA

CITY of CHESAPEAKE, to-wit:

I, Pamela Lee Lane a notary public in and for the

CITY AND STATE aforesaid, in the State aforesaid, do certify that

Brian K. Malcolm President of ADROIT UTILITIES, INC.

Address: 1729 WEST ROAD, CHESAPEAKE, VA 23323

whose name is signed to the above bond, bearing date on the 29TH day of MARCH, 20 05

personally appeared before me in my CITY AND STATE aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 31st day of December, 20 08

Given under my hand this 29TH day of MARCH, 20 05

Pamela Lee Lane
Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA

CITY of VIRGINIA BEACH, to-wit:

I, JOE E. CLAUNCH, JR. a notary public in and for the

CITY AND STATE aforesaid, in the State aforesaid, do certify that

MARNI G. CANNATA personally appeared before me in

my CITY AND STATE aforesaid and made oath that he/she is

ATTORNEY-IN-FACT of the THE CINCINNATI INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated NOVEMBER 1, 2001, and recorded in the Clerk's Office of the CITY

of CHESAPEAKE, VA\* in Deed Book No. 4563, page 212, a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\*INSTRUMENT NUMBER 020015871

\$ 6,249,000.000. that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said

MARNI G. CANNATA, ATTORNEY-IN-FACT, company is solvent and fully able to meet promptly all its obligations, and the said THE CINCINNATI INSURANCE COMPANY thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires DECEMBER 31, 20 07

Given under my had this 29TH day of MARCH, 20 05

Joe E. Claunch, Jr.
JOE E. CLAUNCH, JR. Notary Public

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

W. Taylor Johnson, Jr.; Robert C. Buckalew; Michael Lewis; Jill Snead Age; Nancy E. Drake; Brenda G. Launder; Marni G. Cannata and/or Joe E. Claunch, Jr.

of Virginia Beach, Virginia its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows: Any such obligations in the United States, up to Thirty Million and No/100 Dollars (\$30,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Senior Vice President this 1st day of November, 2001.



STATE OF OHIO ) ss:
COUNTY OF BUTLER )

THE CINCINNATI INSURANCE COMPANY

Signature of Daniel T. McCurdy
Senior Vice President

On this 1st day of November, 2001, before me came the above-named Senior Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Signature of Mark J. Holler
MARK J. HOLLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this 29TH day of MARCH, 2005.



Signature of Carl O. Beck
Assistant Secretary

## **POLICYHOLDER NOTICE TERRORISM INSURANCE COVERAGE**

Your policy (or the policy proposed to you) contains coverage for certain losses caused by terrorism.

### **Premium:**

We are required to notify you of the portion of the premium, if any, attributable to the coverage for terrorist acts certified under the Terrorism Risk Insurance Act of 2002.

- The portion of your premium that is attributable to coverage for terrorist acts certified under the Act is  
\$     0

### **Federal Participation:**

The Act also requires us to provide disclosure of federal participation in payment of terrorism losses.

- Effective November 26, 2002, under your policy (or the policy proposed to you), any losses caused by certified acts of terrorism would be partially reimbursed by the United States Government, Department of Treasury, under a formula established by federal law. Under this formula, the United States pays 90% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage.

### **Act of Terrorism:**

As defined in Section 102(1) of the Act, the term "act of terrorism" means any act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property or infra-structure; to have resulted in damage within the United States, or outside the United States in the case of an air carrier or vessel or the premises of a United States mission; and to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

Duplicate

# PERMIT BOND

Bond No. B8867441

KNOW ALL MEN BY THESE PRESENTS, That we ADROIT UTILITIES, INC.

Principal, and THE CINCINNATI INSURANCE COMPANY, a corporation duly

incorporated under the laws of the State of OHIO, Surety, are held and firmly bound unto the

City of Chesapeake in the full and just sum of EIGHTY TWO THOUSAND AND 00/100 Dollars (\$ 82,000.00), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,

sealed, with our seals and dated this 29TH day of MARCH, A. D. 2005.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

"Construct all improvements in accordance with approved plan of Etheridge Greens"

**RELEASED  
2/27/09**

NOW, THEREFORE, The condition of this obligation is such that if the said principal, ADROIT UTILITIES, INC.

shall in all respects comply with provisions of the permit granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

ADROIT UTILITIES, INC.  
(Principal)

Witness: Charles A. Roccaforte

By Brian K. Malcolm (Seal)  
Brian K. Malcolm, President

1729 WEST ROAD, CHESAPEAKE, VA 23323  
(Address)

Approved as to form

THE CINCINNATI INSURANCE COMPANY  
(Surety)

By Marni G. Cannata (Seal)  
(Attorney-in-Fact)  
MARNI G. CANNATA, ATTORNEY-IN-FACT

Assistant City Attorney

ACKNOWLEDGMENT OF PRINCIPAL

BOND NUMBER B8867441

STATE OF VIRGINIA

CITY of CHESAPEAKE, to-wit:

I, Pamela Lee Lane a notary public in and for the

CITY AND STATE aforesaid, in the State aforesaid, do certify that

Brian K. Malcolm President of ADROIT UTILITIES, INC.

Address: 1729 WEST ROAD, CHESAPEAKE, VA 23323

whose name is signed to the above bond, bearing date on the 29TH day of MARCH, 20 05

personally appeared before me in my CITY AND STATE aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 31st day of December, 20 08

Given under my hand this 29TH day of MARCH, 20 05

Pamela Lee Lane
Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA

CITY of VIRGINIA BEACH, to-wit:

I, JOE E. CLAUNCH, JR. a notary public in and for the

CITY AND STATE aforesaid, in the State aforesaid, do certify that

MARNI G. CANNATA personally appeared before me in

my CITY AND STATE aforesaid and made oath that he/she is

ATTORNEY-IN-FACT of the THE CINCINNATI INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated

NOVEMBER 1, 2001, and recorded in the Clerk's Office of the CITY

of CHESAPEAKE, VA\* in Deed Book No. 4563, page 212, a certified copy of which is

attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\$ 6,249,000,000. that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said

company is solvent and fully able to meet promptly all its obligations, and the said MARNI G. CANNATA, ATTORNEY-IN-FACT, THE CINCINNATI INSURANCE COMPANY thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

\*INSTRUMENT NUMBER 020015871

My term of office expires DECEMBER 31, 20 07

Given under my had this 29TH day of MARCH, 20 05

Joe E. Claunch Jr.
Notary Public

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

W. Taylor Johnson, Jr.; Robert C. Buckalew; Michael Lewis; Jill Snead Age; Nancy E. Drake; Brenda G. Launder; Marni G. Cannata and/or Joe E. Claunch, Jr.

of Virginia Beach, Virginia its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to Thirty Million and No/100 Dollars (\$30,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Senior Vice President this 1st day of November, 2001.



THE CINCINNATI INSURANCE COMPANY

Signature of Daniel J. McCurdy, Senior Vice President

STATE OF OHIO ) ss:
COUNTY OF BUTLER )

On this 1st day of November, 2001, before me came the above-named Senior Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Signature of Mark J. Huller, Attorney at Law, Notary Public - State of Ohio

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio, this 29TH day of MARCH, 2005.



Signature of Carl O'Beck, Assistant Secretary

## **POLICYHOLDER NOTICE TERRORISM INSURANCE COVERAGE**

Your policy (or the policy proposed to you) contains coverage for certain losses caused by terrorism.

### **Premium:**

We are required to notify you of the portion of the premium, if any, attributable to the coverage for terrorist acts certified under the Terrorism Risk Insurance Act of 2002.

- The portion of your premium that is attributable to coverage for terrorist acts certified under the Act is  
\$     0

### **Federal Participation:**

The Act also requires us to provide disclosure of federal participation in payment of terrorism losses.

- Effective November 26, 2002, under your policy (or the policy proposed to you), any losses caused by certified acts of terrorism would be partially reimbursed by the United States Government, Department of Treasury, under a formula established by federal law. Under this formula, the United States pays 90% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage.

### **Act of Terrorism:**

As defined in Section 102(1) of the Act, the term "act of terrorism" means any act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property or infra-structure; to have resulted in damage within the United States, or outside the United States in the case of an air carrier or vessel or the premises of a United States mission; and to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

95 AC

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

11/25/03

Permit Number N 0301729 00  
Project AC Number 014082 00

Permit Date 11/25/03  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS GOLF COURSE PHASE 1A  
Location of Work 01108 WHITTAMORE ROAD

Contractor Number 3951  
Name C & M CONTRACTING INC  
530 WOODLAKE CIRCLE

City CHESAPEAKE State VA Zip 23320 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities. In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$320,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 07

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee *Ronald Curry*

Processed by DAVE

*TO DeL...* 12/22/03

# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

### Section I

#### Land Owner

Name: C. P. M. Va., L.L.C.

Address: 1229 Kingsbury Drive, Chesapeake, VA 23322

Phone: (757) 546-2462

Location of Work: 1108 Whittamore Road, Chesapeake, Virginia

Description of Land Disturbing Activity: Excavating BMP for storm water

### Section II

#### Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

  
\_\_\_\_\_  
Signature of Land Owner

12/2/03  
\_\_\_\_\_  
Date

### Section III

#### Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: C & M Contracting, Inc.

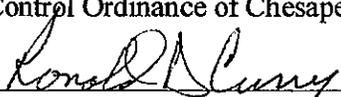
Ronald D. Curry

Address: 530 Woodlake Circle

Chesapeake, Virginia 23320

Phone: (757) 523-5085

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

  
\_\_\_\_\_  
Signature of Permittee

  
\_\_\_\_\_  
Signature of RLD

13255

Cert #  
Or Seal

2115

PWPPW 3.0.0V

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101

Date 11/25/03

STORMWATER PERMIT Number W 0301730 00 Date 11/25/03

Project AC Number 014082 00 Tax Map Number 0620000000020

Plan Approval Date 1/16/02 Bond 014082 00 07

Description of work ETHERIDGE GREENS GOLF COURSE PHASE 1A

Location of Work 01108 WHITTAMORE ROAD

Contractor Number 3951

Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE  
CHESAPEAKE

State VA Zip 23320

Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee *Ronald Slung*

Processed by DAVE

*[Signature]*

12/23/03

PERMIT BOND

Bond No. 6034695

KNOW ALL MEN BY THESE PRESENTS, That we C & M Contracting, Inc.

Principal, and SAFECO Insurance Company of America, a corporation duly incorporated under the laws of the State of Washington, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of Three Hundred Twenty Thousand no/100 Dollars (\$320,000.00), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 25th day of November, A. D. 2003.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etteridge Greens Golf Course Phase 1A- AC #01 4082 00.

NOW, THEREFORE, The condition of this obligation is such that if the said principal, C & M Contracting, Inc.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

BY: William R Moss, III  
William R. Moss, III Secretary

William R Moss, III

C & M Contracting, Inc.  
(Principal)

By: Ronald D. Curry (Seal)  
Ronald D. Curry, President  
530 Woodlake Circle  
(Address)  
Chesapeake, Virginia 23320

Approved as to form

SAFECO Insurance Company of America  
(Surety)

Paul T. Bollinger (Seal)  
Paul T. Bollinger (Attorney-in-Fact)  
3801 Overlook Place  
Powhatan, Virginia 23139  
804-598-4754

[Signature]  
Assistant City Attorney

CG-24,027/Revised April, 2000  
Previous editions are obsolete

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF VIRGINIA, to-wit:  
CITY of CHESAPEAKE,  
I, DAVID G. DOMBROSKI a notary public in and for the  
State of Large aforesaid, in the State aforesaid, do certify that

Ronald D. Curry President of C & M Contracting, Inc.  
Address: 530 Woodlake Circle, Chesapeake, Virginia 23320  
whose name is signed to the above bond, bearing date on the 25th day of November, 2003,  
personally appeared before me in my CITY aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 31 day of JANUARY, 2003  
Given under my hand this 25th day of NOVEMBER DECEMBER, 2003

  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA, to-wit:  
County Powhatan

I, EDITH BREEDLOVE a notary public in and for the  
Paul T. Bollinger aforesaid, in the State aforesaid, do certify that  
my jurisdiction personally appeared before me in  
Attorney-in-Fact aforesaid and made oath that he/she is  
of the SAFECO Insurance Company of America

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
November 8th, 1999, and recorded in the Clerk's Office of the Circuit Court  
of City of Richmond, Virginia, in Deed Book No. 99-34645, page 236, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is  
\$ 826,070,655 that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said Paul T. Bollinger  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires August 31, 2005.  
Given under my hand this 25th day of November, 2003

  
Notary Public



SAFECO

POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA  
GENERAL INSURANCE COMPANY OF AMERICA  
HOME OFFICE: SAFECO PLAZA  
SEATTLE, WASHINGTON 98185

No. 10853

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

.....PAUL T. BOLLINGER; Powhatan, Virginia.....

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 8 day of November 1999

*R.A. Pierson*

R.A. PIERSON, SECRETARY

*W. Randall Stoddard*

W. RANDALL STODDARD, PRESIDENT

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA  
and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA  
and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, R.A. Pierson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 25th day of November 2003



*R.A. Pierson*

R.A. PIERSON, SECRETARY

91.8

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102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

06/13/03

Permit Number N 0300864 00  
Project AC Number 014082 00

Permit Date 06/13/03  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1

Location of Work 01108 WHITTAMORE ROAD

Contractor Number 3951

Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE

City CHESAPEAKE

State VA Zip 23320

Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$184,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 05

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee Ronald M. Nussery, President

Processed by DAVE

[Signature] 6/19/03

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: C P M Va L.L.C.

Address: 1229 Kingsbury DR. Chesapeake, Va 23322

Phone: 757-546-2462

Location of Work: 1108 Whittamore Rd Chesapeake, Va.

Description of Land Disturbing Activity: EXCAVATING BMP FOR STORM WATER

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

[Signature] OPERATING MANAGER
Signature of Land Owner

6/13/03
Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee
Name: CPM Contracting Inc
Address: 530 Woodlake Circle
Chesapeake Va. 23320
Phone: (757) 523-5095

RLD
Name: Ronald D. Curry

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

[Signature] President
Signature of Permittee

[Signature]
Signature of RLD

13255
Cert #
2121
Or Seal

Project AC Number 014082 00 Number W 0300865 00 Date 06/13/03  
Plan Approval Date 1/16/02 Bond 014082 00 05 Tax Map Number 0620000000020  
Description of work ETHERIDGE GREENS PHASE 1  
Location of Work 01108 WHITTAMORE ROAD  
Contractor Number 3951  
Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE  
CHESAPEAKE State VA Zip 23320 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee Ronald Murray President

Processed by DAVE

[Signature] 6/13/03

PERMIT BOND

Bond No. 6034692

KNOW ALL MEN BY THESE PRESENTS, That we C & M Contracting, Inc.  
Principal, and SAFECO Insurance Company of America, a corporation duly  
incorporated under the laws of the State of Washington, Surety, are held and firmly bound unto the  
City of Chesapeake in the full and just sum of One Hundred Eighty-Four Dollars (\$ 184,000.00 ), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each  
of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,  
sealed, with our seals and dated this 20th day of June, A. D. 2003

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

- Clearing, filling, excavating, grading or transporting, or any combination thereof,
- installation and maintenance of all erosion control facilities and construction of all
- stormwater management facilities in accordance with approved plan of Etheridge Greens,
- Phase 1; Project AC Number 014082 00.

NOW, THEREFORE, The condition of this obligation is such that if the said principal, C & M Contracting, Inc.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as  
set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against  
and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and  
drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or  
permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day  
and year first above written.

Witness: William R. Moss, III  
BY: William R. Moss, III  
William R. Moss III, Secretary

C & M Contracting, Inc.  
(Principal)  
By: Ronald D. Curry (Seal)  
Ronald D. Curry, President  
530 Woodlake Circle  
(Address)  
Chesapeake, Virginia 23320

Approved as to form

SAFECO Insurance Company of America  
(Surety)  
By: Paul T. Bollinger (Seal)  
(Attorney-in-Fact)  
Paul T. Bollinger  
3801 Overlook Place  
Powhatan, Virginia 23139-7031  
~~804-598-4754~~  
CG-24,027/Revised April, 2000  
Previous editions are obsolete

Assistant City Attorney

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Virginia, to-wit: City of Chesapeake, a notary public in and for the

I, LARAIN P. LAMB, President of C & M Contracting, Inc., a notary public in and for the

City of Chesapeake aforesaid, in the State aforesaid, do certify that

Ronald D. Curry Address: 530 Woodlake Circle, Chesapeake, Virginia 23320

whose name is signed to the above bond, bearing date on the 20th day of June, 2003

personally appeared before me in my JURISDICTION aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 30 day of APRIL, 2005

Given under my hand this 23 day of June, 2003

Sharon P. Lamb  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF Virginia, to-wit: County of Powhatan, a notary public in and for the

I, Annette L. MacLellan aforesaid, in the State aforesaid, do certify that

Paul T. Bollinger personally appeared before me in

my jurisdiction aforesaid and made oath that he/she is

Attorney-in-Fact of the SAFECO Insurance Company of America

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated November 8th, 1999, and recorded in the Clerk's Office of the Circuit Court

of City of Richmond, Virginia, in Deed Book No 99-34645, page 236, a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\$ 826,070,655 that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said

company is solvent and fully able to meet promptly all its obligations, and the said Attorney-in-Fact thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires 2-28, 2005

Given under my hand this 20th day of June, 2003

Annette L. MacLellan  
Notary Public



POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA  
GENERAL INSURANCE COMPANY OF AMERICA  
HOME OFFICE: SAFECO PLAZA  
SEATTLE, WASHINGTON 98185

No. 10853

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*PAUL T. BOLLINGER; Powhatan, Virginia\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 8

day of November

1999

*R.A. Pierson*

R.A. PIERSON, SECRETARY

*W. Randall Stoddard*

W. RANDALL STODDARD, PRESIDENT

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA  
and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA  
and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, R.A. Pierson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 20<sup>th</sup>

day of June

2003



*R.A. Pierson*

R.A. PIERSON, SECRETARY

|   |  |
|---|--|
| <b>Company Number</b>   | <b>Company Contact Information:</b>  |
| 21121   | <b>WESTCHESTER FIRE INSURANCE COMPANY</b><br>436 WALNUT STEET WB06C<br>P.O. BOX 41484<br>PHILADELPHIA, PA 19106-1484<br>(215) 640-1000 |
| <b>Company Type Information</b>   |  |
| <p>A <b>Property and Casualty Insurer</b> is a company that may offer a variety of coverages including homeowners, automobile, boiler and machinery, personal injury liability, workers' compensation and miscellaneous property.</p> <p>Please be aware that although a company is authorized, it may not necessarily write your business. If you are having problems with availability, it is suggested that you contact your local agent or the Bureau at <b>Bureau of Insurance</b> or (804) 371-9741.</p> <p>Some companies have provided us with a link to that company's website. The fact that a link is provided should not be considered an endorsement by the Bureau of the company, its products, the views expressed or the facts presented on that company's website.</p> |  |
| <input type="button" value="Close"/>   <input type="button" value="Print"/>   |  |

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

01/19/05

Permit Number N 0500049 00  
Project AC Number 014082 00

Permit Date 01/19/05  
Tax Map Number 062000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1A  
Location of Work 00000 WHITTAMORE ROAD

Contractor Number 5255  
Name VFL TECHNOLOGY CORP  
16 HAGERTY BLVD

City WEST CHESTER State PA Zip 19382 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities. In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$320,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

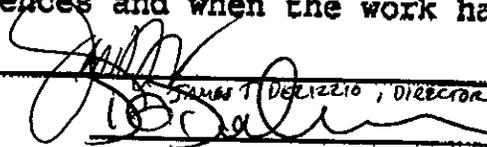
Performance Guarantee: Bond Number 014082 00 12

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by DAVE

  
James T. Delozzo, Director

2/15/08

PWPPW 3.0.OV

## CITY OF CHESAPEAKE

Date 01/19/05

PUBLIC WORKS DEPARTMENT 382-6101

STORMWATER PERMIT Number W 0500050 00 Date 01/19/05

Project AC Number 014082 00

Tax Map Number 0620000000020

Plan Approval Date 1/16/02 Bond 014082 00 12

Description of work ETHERIDGE GREENS PHASE 1A

Location of Work 00000 WHITTAMORE ROAD

Contractor Number 5255

Name VFL TECHNOLOGY CORP

16 HAGERTY BLVD  
WEST CHESTER

State PA Zip 19382

Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

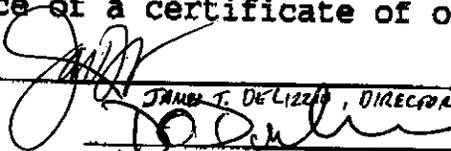
The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee

Processed by DAVE



JAMES T. DELIZELLA, DIRECTOR

2/15/08

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: CPM (COMBUSTION PRODUCTS MANAGEMENT)  
 Address: 1541 ALTA DR SUITE 205 WHITEHALL, PA, 18052  
 Phone: (610) 221-5980  
 Location of Work: CHESAPEAKE VIRGINIA  
 Description of Land Disturbing Activity: GOLF COURSE CONSTRUCTION

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

[Signature] Signature of Land Owner      1/24/05 Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

|   |                        |
|---|------------------------|
| Permittee                               | RLD                    |
| Name: <u>VFC Technology Corporation</u> | <u>Charles Roberts</u> |
| Address: <u>16 Hagerly Blvd.</u>        |                        |
| <u>West Chester, Pa 19382</u>           |                        |
| Phone: <u>610-918-1100</u>              |                        |

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

[Signature] Signature of Permittee      [Signature] Signature of RLD      20815 Cert #  
 Or Seal

PERMIT BOND

Bond No. KO 72 23 69 9

KNOW ALL MEN BY THESE PRESENTS, That we VFL TECHNOLOGY CORPORATION

Principal, and WESTCHESTER FIRE INSURANCE COMPANY, a corporation duly incorporated under the laws of the State of NEW YORK, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of THREE HUNDRED TWENTY THOUSAND & NO/100 Dollars (\$ 320,000.00\* \* \* \* \* ), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 21ST day of JANUARY, A. D. 2005.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes: CLEARING, FILLING, EXCAVATING, GRADING OR TRANSPORTING OR ANY COMBINATION THEREOF, INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL FACILITIES AND CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE WITH APPROVED PLAN OF ETHERIDGE GREENS, PHASE 1A

NOW, THEREFORE, The condition of this obligation is such that if the said principal, VFL TECHNOLOGY CORPORATION

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

[Signature]

Approved as to form

[Signature]  
Assistant City Attorney

VFL TECHNOLOGY CORPORATION

(Principal)

By [Signature] (Seal)

16 HAGERTY BLVD.

(Address)

WEST CHESTER, PA 19382

WESTCHESTER FIRE INSURANCE COMPANY

(Surety)

By [Signature] (Seal)

(Attorney-in-Fact)

DANA L. MCCASKEY

CG-24,027/Revised April 2000  
Previous editions are obsolete

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and for the CITY aforesaid, in the State aforesaid, do certify that MICHAEL ROBINSON Vice President of VFL TECHNOLOGY CORPORATION, Address: 16 HAGERTY BLVD., WEST CHESTER, PA whose name is signed to the above bond, bearing date on the 21ST day of JANUARY, 2005, personally appeared before me in my CITY aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 30TH day of NOVEMBER, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public.

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and for the CITY aforesaid, in the State aforesaid, do certify that DANA L. MCCASKEY personally appeared before me in my CITY aforesaid and made oath that he/she is ATTORNEY-IN-FACT of the WESTCHESTER FIRE INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \*\*\*RECORDATION PENDING - SEE ATTACHED and recorded in the Clerk's Office of the of in Deed Book No. page a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is \$ 476,173,943.00 that the penalty of the foregoing bond is not in excess of ten percent of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said ATTORNEY-IN-FACT thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires NOVEMBER 30, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public.

**Power of Attorney**

WESTCHESTER FIRE INSURANCE COMPANY



1044497

145125

**Know all men by these presents:** That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on November 8, 1999, to wit:

"RESOLVED, that the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof:

- (1) That the President, any Senior Vice President, any Vice President, and Assistant Vice President, or any Attorney-in-Fact, may execute for and on behalf of the Company any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof, the same to be attested when necessary by the Corporate Secretary, or any Assistant Corporate Secretary, and the seal of the Company affixed thereto; and that the President, any Senior Vice President, any Vice President or any Assistant Vice President may appoint and authorize any other Officer (elected or appointed) of the Company, and Attorneys-in-Fact to so execute or attest to the execution of all such writings on behalf of the Company and to affix the seal of the Company thereto.
- (2) Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested to by the Corporate Secretary.
- (3) The signature of the President, or a Senior Vice President, or a Vice President, or an Assistant Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to this Resolution, and the signature of a certifying Officer and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.
- (4) Such other Officers of the Company, and Attorneys-In-Fact shall have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.
- (5) The passage of this Resolution does not revoke any earlier authority granted by Resolutions of the Board of Directors."

Does hereby nominate, constitute and appoint DUREMA KISSAM, DANA L. MCCASKEY and KAYLYN HOLSHU all of the City of Richmond, State of Virginia, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Five Million Dollars (\$5,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Gregory J. Otterson, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 30th day of September, 2003.



WESTCHESTER FIRE INSURANCE COMPANY

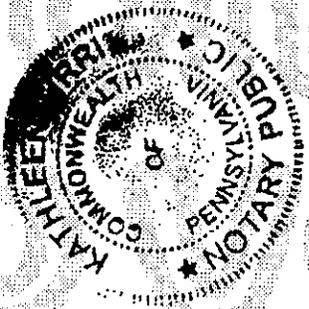
*Gregory J. Otterson*

Gregory J. Otterson, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 30th day of September, A.D. 2003, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Gregory J. Otterson, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



NOTARIAL SEAL  
Kathleen Tirri, Notary Public  
Philadelphia, Philadelphia County  
My commission expires September 22, 2007

*Kathleen Tirri*

Notary Public

I, the undersigned Secretary of WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Secretary, and affixed the corporate seal of the Corporation, this 21<sup>st</sup> day of

*George D. Mulligan*



*George D. Mulligan*

George D. Mulligan, Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER September 30, 2005

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

01/19/05

Permit Number N 0500047 00  
Project AC Number 014082 00

Permit Date 01/19/05  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of **ETHERIDGE GREENS PHASE 1**  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5255  
Name VFL TECHNOLOGY CORP  
16 HAGERTY BLVD  
City WEST CHESTER State PA Zip 19382 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities. In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$184,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

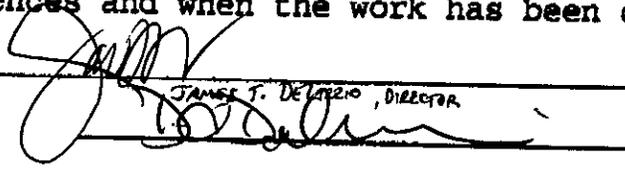
Performance Guarantee: Bond Number 014082 00 11

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by DAVE

  
JAMES F. DELUZIO, Director  
2/12/08

PWPPW 3.0.0V

CITY OF CHESAPEAKE

Date 01/19/05

PUBLIC WORKS DEPARTMENT 382-6101

STORMWATER PERMIT Number W 0500048 00 Date 01/19/05

Project AC Number 014082 00

Tax Map Number 0620000000020

Plan Approval Date 1/16/02 Bond 014082 00 11

Description of work ETHERIDGE GREENS PHASE 1

Location of Work 00000 WHITTAMORE ROAD

Contractor Number 5255

Name VFL TECHNOLOGY CORP

16 HAGERTY BLVD

WEST CHESTER

State PA Zip 19382

Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

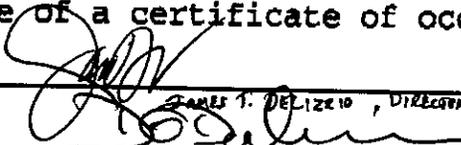
The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee

Processed by DAVE

  
 JAMES T. DELIZZO, Director  
 2/18/08

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: CPM (COMBUSTION PRODUCTS MANAGEMENT)
Address: 1541 ALTA DR, SUITE 205 WHITEHALL, PA 18052
Phone: (610) 821-5980
Location of Work: CHESAPEAKE VA
Description of Land Disturbing Activity: GOLF COURSE CONSTRUCTION

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

Signature of Land Owner

Date 1/24/05

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Name: VFL TECHNOLOGIES CORPORATION Charles ROBERTS
Address: 16 Hagerty Blvd.
West Chester, Pa 19382
Phone: 610-918-1100

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

Signature of Permittee

Signature of RLD

20815
Cert #
Or Seal

PERMIT BOND

Bond No. KO 72 23 70 5

KNOW ALL MEN BY THESE PRESENTS, That we VFL TECHNOLOGY CORPORATION

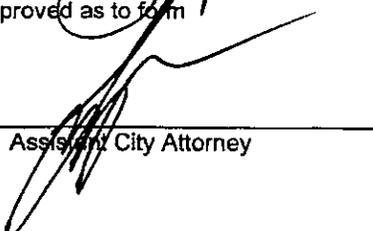
Principal, and WESTCHESTER FIRE INSURANCE COMPANY, a corporation duly incorporated under the laws of the State of NEW YORK, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of ONE HUNDRED EIGHTY-FOUR THOUSAND & NO/100 Dollars (\$ 184,00.00 \* \* \* \* \*), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 21ST day of JANUARY, A. D. 2005.

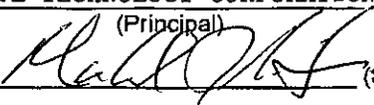
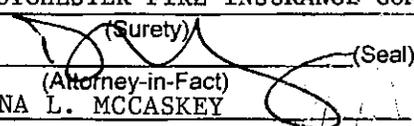
WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes: CLEARING, FILLING, EXCAVATING, GRADING OR TRANSPORTING OR ANY COMBINATION THEREOF, INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL FACILITIES AND CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE WITH APPROVED PLAN OF ETHERIDGE GREENS, PHASE I.

NOW, THEREFORE, The condition of this obligation is such that if the said principal, VFL TECHNOLOGY CORPORATION

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:  
  
\_\_\_\_\_  
Approved as to form  
  
\_\_\_\_\_  
Assistant City Attorney

VFL TECHNOLOGY CORPORATION  
(Principal)  
By  (Seal)  
16 HAGERTY BLVD.  
(Address)  
WEST CHESTER, PA 19382  
WESTCHESTER FIRE INSURANCE COMPANY  
(Surety)  
By  (Seal)  
(Attorney-in-Fact)  
DANA L. MCCASKEY

CG-24,027/Revised April 2000  
Previous editions are obsolete

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and

for the CITY aforesaid, in the State aforesaid, do certify that MICHAEL ROBINSON Vice President of VEL TECHNOLOGY CORPORATION, Address: 16 HAGERTY BLVD., WEST CHESTER, PA whose name is signed to the above bond, bearing date on the 21ST day of JANUARY, 2005, personally appeared before me in my CITY aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 30TH day of NOVEMBER, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public

AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF VIRGINIA
CITY of RICHMOND, to-wit:

I, KAYLYN PASCARELLA HOLSHU, a notary public in and for the CITY aforesaid, do certify that DANA L. MCCASKEY personally appeared before me in my CITY aforesaid and made oath that he/she is ATTORNEY-IN-FACT of the WESTCHESTER FIRE INSURANCE COMPANY

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated \*\*\*RECORDATION PENDING - SEE ATTACHED and recorded in the Clerk's Office of the of in Deed Book No., page, a certified copy of which is attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is \$ 476,173,943.00 that the penalty of the foregoing bond is not in excess of ten percent of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said ATTORNEY-IN-FACT thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires NOVEMBER 30, 2007.

Given under my hand this 21ST day of JANUARY, 2005.

Handwritten signature of Kaylyn Pascarella Holshu, Notary Public



145125

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on November 8, 1999, to wit:

"RESOLVED, that the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof:

- (1) That the President, any Senior Vice President, any Vice President, and Assistant Vice President, or any Attorney-in-Fact, may execute for and on behalf of the Company any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof, the same to be attested when necessary by the Corporate Secretary, or any Assistant Corporate Secretary, and the seal of the Company affixed thereto; and that the President, any Senior Vice President, any Vice President or any Assistant Vice President may appoint and authorize any other Officer (elected or appointed) of the Company, and Attorneys-in-Fact to so execute or attest to the execution of all such writings on behalf of the Company and to affix the seal of the Company thereto.
(2) Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested to by the Corporate Secretary.
(3) The signature of the President, or a Senior Vice President, or a Vice President, or an Assistant Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted pursuant to this Resolution, and the signature of a certifying Officer and the seal of the Company may be affixed by facsimile to any certificate of any such power, and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company.
(4) Such other Officers of the Company, and Attorneys-In-Fact shall have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.
(5) The passage of this Resolution does not revoke any earlier authority granted by Resolutions of the Board of Directors."

Does hereby nominate, constitute and appoint DUREMA KISSAM, DANA L. MCCASKEY and KAYLYN HOLSHU all of the City of Richmond, State of Virginia, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Five Million Dollars (\$5,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Gregory J. Otterson, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 30th day of September 2003.

WESTCHESTER FIRE INSURANCE COMPANY



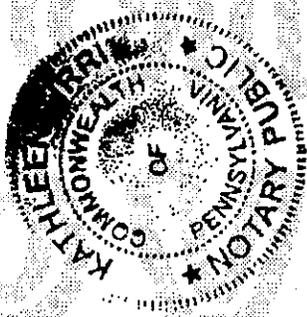
Handwritten signature of Gregory J. Otterson

Gregory J. Otterson, Vice President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 30th day of September, A.D. 2003, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Gregory J. Otterson, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



NOTARIAL SEAL
Kathleen Tirri, Notary Public
Philadelphia, Philadelphia County
My commission expires September 22, 2007

Handwritten signature of Kathleen Tirri

Notary Public

I, the undersigned Secretary of WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Secretary, and affixed the corporate seal of the Corporation, this 21st day of

Handwritten signature of George D. Mulligan



Handwritten signature of George D. Mulligan

George D. Mulligan, Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER September 30, 2005.

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

06/13/03

Permit Number N 0300864 00  
Project AC Number 014082 00

Permit Date 06/13/03  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1

Location of Work 01108 WHITTAMORE ROAD

Contractor Number 3951

Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE

City CHESAPEAKE

State VA Zip 23320

Phone

Released 2/27/08

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$184,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 05

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee Ronald A. Curry, President

Processed by DAVE

[Signature] 6/19/03

# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

### Section I

#### Land Owner

Name: C P M Va L.L.C.

Address: 1229 Kingsbury DR. Chesapeake, Va 23322

Phone: 757-546-2462

Location of Work: 1108 Whittamore Rd Chesapeake, Va.

Description of Land Disturbing Activity: Excavating BMP for  
storm water

### Section II

#### Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

[Signature] OPERATING MANAGER  
Signature of Land Owner

6/13/03  
Date

### Section III

#### Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

| Permittee                            | RLD                    |
|--------------------------------------|------------------------|
| Name: <u>C&amp;M Contracting Inc</u> | <u>Ronald A. Curry</u> |
| Address: <u>530 Woodlake Circle</u>  | _____                  |
| <u>Chesapeake Va. 23320</u>          | _____                  |
| Phone: <u>(757) 523-5025</u>         | _____                  |

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

[Signature] President  
Signature of Permittee

[Signature]  
Signature of RLD

13255  
Cert #  
Or 29140

Number W 0300865 00 Date 06/13/03  
Tax Map Number 0620000000020  
Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 05  
Description of work ETHERIDGE GREENS PHASE 1  
Location of Work 01108 WHITTAMORE ROAD  
Contractor Number 3951  
Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE  
CHESAPEAKE State VA Zip 23320 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

*Revised 4/27/08*

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee *Ronald N. Curry President*  
Processed by DAVE *[Signature]* *6/16/03*

PERMIT BOND

Released 2/27/08

Bond No. 6034692

KNOW ALL MEN BY THESE PRESENTS, That we C & M Contracting, Inc.

Principal, and SAFECO Insurance Company of America

incorporated under the laws of the State of Washington, a corporation duly  
City of Chesapeake in the full and just sum of One Hundred Eighty-Four Dollars (\$ 184,000.00), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 20th day of June, A. D. 2003.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

Clearing, filling, excavating, grading or transporting, or any combination thereof,  
installation and maintenance of all erosion control facilities and construction of all  
stormwater management facilities in accordance with approved plan of Etheridge Greens,  
Phase I; Project AC Number 014082 00,

NOW, THEREFORE, The condition of this obligation is such that if the said principal, C & M Contracting, Inc.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

BY: William R. Moss, III  
William R. Moss III, Secretary

C & M Contracting, Inc.  
(Principal)

By Ronald D. Curry (Seal)  
Ronald D. Curry, President  
530 Woodlake Circle  
(Address)  
Chesapeake, Virginia 23320

Approved as to form

SAFECO Insurance Company of America  
(Surety)

By Paul F. Bollinger (Seal)  
(Attorney-in-F&C)

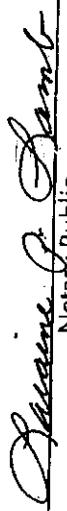
Paul F. Bollinger  
3801 Overlook Place  
Powhatan, Virginia 23139-7031  
804-598-4754

Assistant City Attorney

CG-24,027/Revised April, 2000  
Previous editions are obsolete

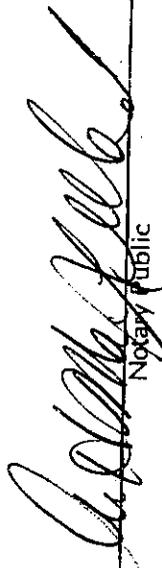
# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Virginia, to-wit: City of Chesapeake, a notary public in and for the  
I, LARAIN P. LAMB  
City of Chesapeake aforesaid, in the State aforesaid, do certify that  
Ronald D. Curry, President of C & M Contracting, Inc.  
Address: 530 Woodlake Circle, Chesapeake, Virginia 23320  
whose name is signed to the above bond, bearing date on the 20th day of June, 2003,  
personally appeared before me in my JURISDICTION aforesaid, and acknowledged the same.  
I further certify that my term of office expires on the 30 day of APRIL, 2005.  
Given under my hand this 23 day of June, 2003.

  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF Virginia, to-wit: \_\_\_\_\_, a notary public in and for the  
County of Powhatan  
I, Annette L. MacLelland  
County of Powhatan aforesaid, in the State aforesaid, do certify that  
Paul T. Bollinger personally appeared before me in  
my jurisdiction aforesaid and made oath that he/she is  
Attorney-in-Fact of the SAECO Insurance Company of America  
that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
November 8th, 1999, and recorded in the Clerk's Office of the Circuit Court  
of City of Richmond, Virginia, in Deed Book No 99-34645, page 236, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is  
\$ 826,070,655 that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said Attorney-in-Fact  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.  
My term of office expires 2-28, 2005.  
Given under my hand this 20th day of June, 2003.

  
Notary Public



**SAFECO**<sup>™</sup> POWER  
OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA  
GENERAL INSURANCE COMPANY OF AMERICA  
HOME OFFICE: SAFECO PLAZA  
SEATTLE, WASHINGTON 98185

KNOW ALL BY THESE PRESENTS:

No. 10853

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

\*\*\*\*\*PAUL T. BOLLINGER, Powhatan, Virginia\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

**IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** have each executed and attested these presents

this 8

day of November

1999

*R.A. Pierson*

R.A. PIERSON, SECRETARY

*W. Randall Stoddard*

W. RANDALL STODDARD, PRESIDENT

**CERTIFICATE**

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA**  
and of **GENERAL INSURANCE COMPANY OF AMERICA**:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of **SAFECO INSURANCE COMPANY OF AMERICA**  
and of **GENERAL INSURANCE COMPANY OF AMERICA** adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, R.A. Pierson, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and of **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 20<sup>th</sup>

day of June

2003



*R.A. Pierson*

R.A. PIERSON, SECRETARY

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

11/25/03

Permit Number N 0301729 00  
Project AC Number 014082 00

Permit Date 11/25/03  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS GOLF COURSE PHASE 1A

Location of Work 01108 WHITTAMORE ROAD

Contractor Number 3951

Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE

City CHESAPEAKE

State VA Zip 23320

Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$320,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 07

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee *Ronald Curry*

Processed by DAVE

*TO Dal...*

12/23/03

# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

### Section I

#### Land Owner

Name: C. P. M. Va., L.L.C.

Address: 1229 Kingsbury Drive, Chesapeake, VA 23322

Phone: (757) 546-2462

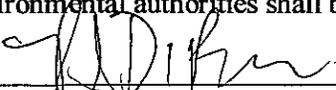
Location of Work: 1108 Whittamore Road, Chesapeake, Virginia

Description of Land Disturbing Activity: Excavating BMP for storm water

### Section II

#### Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

  
\_\_\_\_\_  
Signature of Land Owner

12/21/03  
\_\_\_\_\_  
Date

### Section III

#### Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: C & M Contracting, Inc.

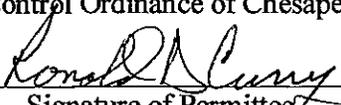
Ronald D. Curry

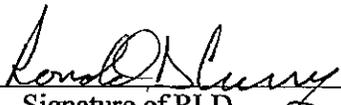
Address: 530 Woodlake Circle

Chesapeake, Virginia 23320

Phone: (757) 523-5085

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

  
\_\_\_\_\_  
Signature of Permittee

  
\_\_\_\_\_  
Signature of RLD

13255

Cert #  
Or Seal

**2146**

Number W 0301730 00 Date 11/25/03  
Tax Map Number 0620000000020  
Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 07  
Description of work ETHERIDGE GREENS GOLF COURSE PHASE 1A  
Location of Work 01108 WHITTAMORE ROAD  
Contractor Number 3951  
Name C & M CONTRACTING INC

530 WOODLAKE CIRCLE  
CHESAPEAKE State VA Zip 23320 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

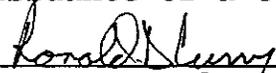
The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

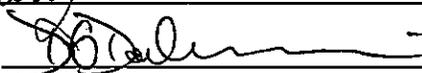
The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee 

Processed by DAVE



12/23/03

PWPPW 3.0.0V

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
STORMWATER PERMIT

Date 09/20/02

Number W 0201441 00 Date 09/11/02  
Tax Map Number 0620000000020  
Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 04  
Description of work ETYHERIDGE GREENS GOLF COURSE  
Location of Work 01108 WHITTAMORE ROAD  
Contractor Number 1022  
Name ATLANTIC COASTAL CLEARING & GRADING INC

916 EXECUTIVE COURT  
CHESAPEAKE State VA Zip 23320 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

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Signature of Permittee [Signature] 9/20/02  
Approved by DAVE 9/20/02 [Signature] 9/20/02

PUBLIC WORKS DEPARTMENT 382-6101

STORMWATER PERMIT Number W 0201441 00 Date 09/11/02

Project AC Number 014082 00 Tax Map Number 0620000000020

Plan Approval Date 1/16/02 Bond 014082 00 04

Description of work ETYHERIDGE GREENS GOLF COURSE

Location of Work 01108 WHITTAMORE ROAD

Contractor Number 1022

Name ATLANTIC COASTAL CLEARING & GRADING INC

916 EXECUTIVE COURT

CHESAPEAKE

State VA Zip 23320

Phone

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Signature of Permittee [Signature] 9/20/02  
Approved by DAVE [Signature] 9/20/02

# PERMIT BOND

*Jed LPM*  
*ESP*  
*EPH* 08642430  
Bond No.

KNOW ALL MEN BY THESE PRESENTS, That we Atlantic Coastal Clearing & Grading, Inc.  
Principal, and Fidelity and Deposit Company of Maryland, a corporation duly  
incorporated under the laws of the State of Maryland, Surety, are held and firmly bound unto the  
City of Chesapeake in the full and just sum of Two Hundred Twenty Thousand Dollars (\$ 220,000.00), current  
money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each  
of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,  
sealed, with our seals and dated this 12th day of September, A. D. 20 02.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

"Construct all stormwater management facilities in accordance with approved plan of  
Etheridge Greens Golf Course." (AC #01408200)

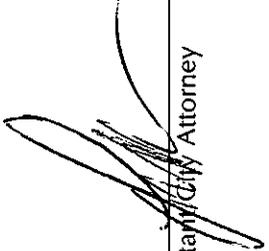
NOW, THEREFORE, The condition of this obligation is such that if the said principal, Atlantic Coastal Clearing  
& Grading, Inc.  
shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as  
set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against  
and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and  
drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or  
permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day  
and year first above written.

Witness:

Cliff Spe U.P.

Approved as to form

  
Assistant City Attorney

Atlantic Coastal Clearing  
& Grading, Inc.

*Theresa A. Shank* (Principal)  
By *Theresa A. Shank* (Seal)  
VICE PRESIDENT

916 Executive Court  
(Address)

Chesapeake, VA 23320

Fidelity and Deposit  
Company of Maryland  
(Surety)

By *Dawn E. Willett* (Seal)  
(Attorney-in-Fact)

Dawn E. Willett  
CG-24,027/Revised April, 2000  
Previous editions are obsolete

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Virginia,  
City of Chesapeake, to-wit:

I, ROBERT M. SIVITER,  
City a notary public in and for the

Mike A. SEMONIA VICE- aforesaid, in the State aforesaid, do certify that  
President of Atlantic Coastal Clearing & Grading, Inc.

Address: 916 Executive Court, Chesapeake, VA 23320

whose name is signed to the above bond, bearing date on the 12th day of September, 20 02,  
personally appeared before me in my City aforesaid, and acknowledged the same.

I further certify that my term of office expires on the 31st day of MARCH, 20 03

Given under my hand this 12th day of September, 20 02



Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF Virginia,  
City of Virginia Beach, to-wit:

I, Robert M. Siviter,  
City a notary public in and for the

Dawn E. Willett personally appeared before me in  
my City aforesaid and made oath that ~~she~~/she is

Attorney-in-Fact of the Fidelity and Deposit Company of Maryland

that ~~she~~she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
January 2, 1997, and recorded in the Clerk's Office of the Circuit Court

of Chesapeake, in Deed Book No. 3459, page 058, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\$ 193,000,000 that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said Dawn E. Willett  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires March 31, 20 03.

Given under my hand this 12th day of September, 20 03



Notary Public

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE: P.O. BOX 1227, BALTIMORE, MD 21203-1227

Know ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by W. B. WALBRECHER, Vice-President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Robert M. Siviter and Dawn E. Willett, both of Virginia Beach, Va., EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of W. B. Siviter, etal, dated October 14, 1993.

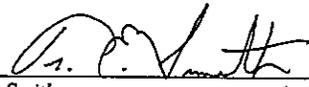
The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 2nd day of January, A.D. 1997.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



T. E. Smith   
Assistant Secretary

By: W. B. Walbrecher   
Vice-President

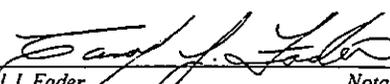
State of Maryland }  
County of Baltimore } ss:

**FOR YOUR PROTECTION,  
LOOK FOR THE F&D WATERMARK**

On this 2nd day of January, A.D. 1997, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came W. B. WALBRECHER, Vice-President and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeh and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Carol J. Fader   
Notary Public  
My Commission Expires: August 1, 2000

**CERTIFICATE**

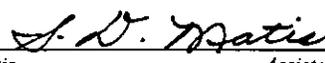
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

12th day of September, 2002

S. D. Matis   
Assistant Secretary

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, . . . and to affix the seal of the Company thereto.”

Atlantic Coastal's permits  
and bonds were replaced  
by C&M's bond and  
permits NO301729 &  
W0301730 Atlantic  
Coastal's bonds were  
released 2/17/04 by request  
of Mike Semovich.

pppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

03/26/02

Permit Number N 0200443 00  
Project AC Number 014082 00

Permit Date 03/26/02  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREEN CILF COURSE

Location of Work 00000 WHITTAMORE ROAD

Contractor Number 1022

Name ATLANTIC COASTAL CLEARING & GRADING INC  
916 EXECUTIVE COURT

City CHESAPEAKE

State VA Zip 23320

Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

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The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

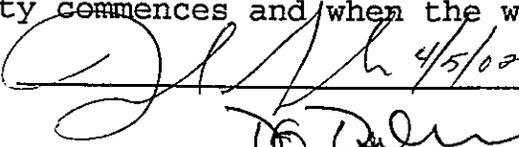
Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$200,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 03

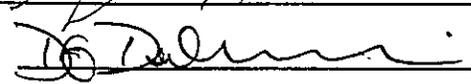
A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee

 4/5/02

Processed by DAVE



4/5/02

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

03/26/02

Permit Number N 0200443 00  
Project AC Number 014082 00

Permit Date 03/26/02  
Tax Map Number 0620000000020

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Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 1022  
Name ATLANTIC COASTAL CLEARING & GRADING INC  
916 EXECUTIVE COURT  
City CHESAPEAKE State VA Zip 23320 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

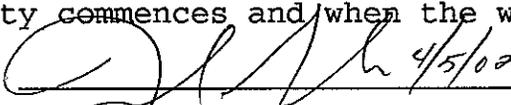
The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$200,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 03

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee 

Processed by DAVE



# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

Section I

Land Owner

Name: Whittamore Properties, LLC

Address: 325 Volvo Parkway, Chesapeake, Virginia 23320

Phone: (757) 547-9531

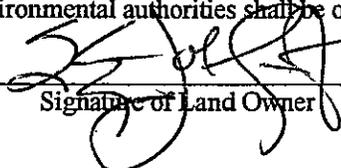
Location of Work: Centerville Turnpike & Whittamore Road

Description of Land Disturbing Activity: Golf Course construction

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

  
\_\_\_\_\_  
Signature of Land Owner

3/19/02  
\_\_\_\_\_  
Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: Combustion Products Management Hassell & Folkes, P.C.

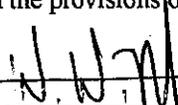
Address: 1229 Kingsbury Drive 325 Volvo Parkway

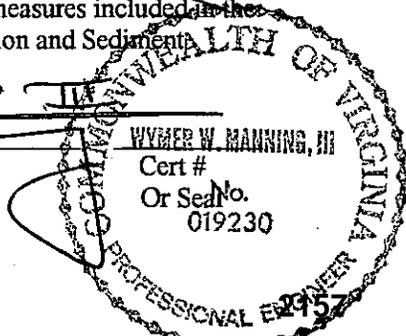
Chesapeake, VA 23322 Chesapeake, VA 23320

Phone: (757) 546-2462 (757) 547-9531

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

\_\_\_\_\_  
Signature of Permittee

  
\_\_\_\_\_  
Signature of RLD

  
WYMER W. MANNING, III  
Cert #  
Or Seal No.  
019230

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Work: \_\_\_\_\_

Description of Land Disturbing Activity: \_\_\_\_\_

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

\_\_\_\_\_  
Signature of Land Owner

\_\_\_\_\_  
Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

|                                     |                             |
|-------------------------------------|-----------------------------|
| Permittee                           | RLD                         |
| Name: <u>Atlantic Coastal Cont.</u> | <u>Daniel A. SANDERS JR</u> |
| Address: <u>916 EXECUTIVE CRT</u>   | <u>916 EXECUTIVE CT</u>     |
| <u>CHESAPEAKE VA 23320</u>          | <u>CHESAPEAKE VA 23320</u>  |
| Phone: <u>547-2220</u>              | <u>547-2220</u>             |

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

[Signature]  
Signature of Permittee

[Signature]  
Signature of RLD

10297  
Cert #  
Or Seal

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: Whittamore Properties, LLC

Address: 325 Volvo Parkway, Chesapeake, Virginia 23320

Phone: (757) 547-9531

Location of Work: Centerville Turnpike & Whittamore Road

Description of Land Disturbing Activity: Golf Course construction

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

Signature of Land Owner

3/19/02 Date

Section III

Plan Implementation

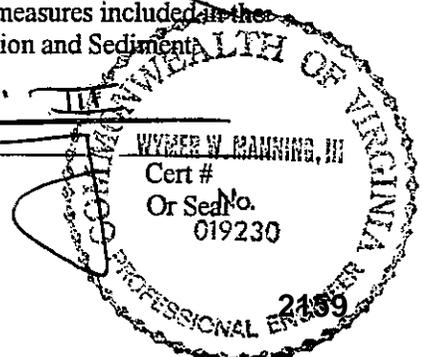
The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee RLD
Name: Combustion Products Management Hassell & Folkes, P.C.
Address: 1229 Kingsbury Drive 325 Volvo Parkway
Chesapeake, VA 23322 Chesapeake, VA 23320
Phone: (757) 546-2462 (757) 547-9531

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

Signature of Permittee

Signature of RLD



# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

Section I

Land Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Work: \_\_\_\_\_

Description of Land Disturbing Activity: \_\_\_\_\_

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

\_\_\_\_\_  
Signature of Land Owner

\_\_\_\_\_  
Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: Atlantic Coastal Corp. Daniel A. SANDERS JR

Address: 916 EXECUTIVE CT 916 EXECUTIVE CT

CHESAPEAKE VA 23320 CHESAPEAKE VA 23320

Phone: 547-2220 547-2220

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

[Signature]  
Signature of Permittee

[Signature]  
Signature of RLD

10297

Cert #

Or Seal

**PERMIT BOND**

Bond No. LPM 08586349

KNOW ALL MEN BY THESE PRESENTS, That we Atlantic Coastal Clearing & Grading, Inc.

Principal, and Fidelity and Deposit Company of Maryland, a corporation duly incorporated under the laws of the State of Maryland, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of Two Hundred Thousand Dollars (\$ 200,000.00), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 27th day of March, A. D. 20 02

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

"Clearing, filling, excavating, grading or transporting or any combination thereof and installation and maintenance of all erosion and sediment control facilities in accordance with approved plan of Etheridge Greens Golf Course", AC#01408200

NOW, THEREFORE, The condition of this obligation is such that if the said principal, Atlantic Coastal Clearing & Grading, Inc.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Atlantic Coastal Clearing & Grading, Inc.

(Principal)

By Phil A. Smoot (Seal)  
VICE PRESIDENT

Witness:

916 Executive Court  
(Address)

Chesapeake, VA 23320

Fidelity and Deposit Company of Maryland  
(Surety)

Approved as to form

By Dawn E. Willett (Seal)  
(Attorney-in-Fact)

AE Brubaker  
Assistant City Attorney

Dawn E. Willett

CG-24,027/Revised April, 2000  
Previous editions are obsolete

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF Virginia,  
City of Chesapeake, to-wit:  
David G. Dombroski, a notary public in and for the

City of \_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
Mike A Semouch Vice - President of Atlantic Coastal Clearing & Grading, Inc.

Address: 916 Executive Court, Chesapeake, VA 23320

whose name is signed to the above bond, bearing date on the 27th day of March, 20 02

personally appeared before me in my \_\_\_\_\_ City \_\_\_\_\_ aforesaid, and acknowledged the same

I further certify that my term of office expires on the 31 day of JANUARY, 20 05

Given under my hand this 27th day of March, 20 02

  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF Virginia,  
City of Virginia Beach, to-wit:

I, Robert M. Siviter, a notary public in and for the  
City \_\_\_\_\_ aforesaid, in the State aforesaid, do certify that

Dawn E. Willett personally appeared before me in

my \_\_\_\_\_ City \_\_\_\_\_ aforesaid and made oath that ~~he~~she is

\_\_\_\_\_ Attorney-in-Fact \_\_\_\_\_ of the Fidelity and Deposit Company of Maryland

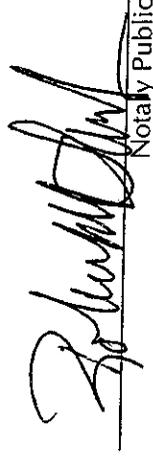
that ~~she~~she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
January 2, 1997, and recorded in the Clerk's Office of the Circuit Court

of Chesapeake, in Deed Book No. 3459, page 058, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\$ 193,000,000 that the penalty of the foregoing bond is not in excess of ten per centum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said Dawn E. Willett  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires March 31, 20 03.

Given under my hand this 27th day of March, 20 02

  
Notary Public

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE: P.O. BOX 1227, BALTIMORE, MD 21203-1227

Know ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by W. B. WALBRECHER, Vice-President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Robert M. Siviter and Dawn E. Willett, both of Virginia Beach, Va., EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of W. B. Siviter, etal, dated October 14, 1993.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 2nd day of January, A.D. 1997.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



T. E. Smith  
Assistant Secretary

By: W. B. Walbrecher  
Vice-President

State of Maryland } ss:  
County of Baltimore }

**FOR YOUR PROTECTION,  
LOOK FOR THE F&D WATERMARK**

On this 2nd day of January, A.D. 1997, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came W. B. WALBRECHER, Vice-President and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Carol J. Fader  
Notary Public  
My Commission Expires: August 1, 2000

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

27th day of March, 2002.

S. D. Matis  
Assistant Secretary

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, . . . and to affix the seal of the Company thereto.”

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

02/22/02

Permit Number C 0200267 00  
Project AC Number/Bond Number 014082 00 02

Permit Date 02/22/02

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS

Total Value of Construction \$82,000.00

Tax Map Number 0620000000020

Property Street 00000 NEED A STREET NAME Suite Zip

Contractor Number 1273 Type of Contractor I  
Licence Number City 0000000 State 2701016639A

Name INNER VIEW LTD C/O

2nd Name

Address 1140 KEMPSVILLE ROAD

City CHESAPEAKE State VA Zip 233248127 Phone 8045479711

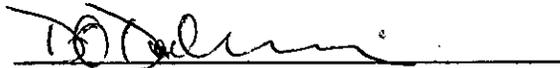
CLOSED 5/13/05 REPLACED BY C05104450

Permission is hereby granted the permittee, insofar as the City of Chesapeake has the right and power to grant same, to perform the above described work at the location specified in accordance with City Standards.

The work shall be carried out in accordance with Chapter 66 of the Chesapeake City Code, entitled "Streets and Sidewalks," and PERMIT STANDARD PROVISIONS. Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant. The City of Chesapeake reserves full municipal control over the subject of this permit.

Receipt is acknowledged of \$312.00 which covers fees for inspection.

Processed by LUTHER

  
PW signature

2/27/02  
date

Permittee further agrees to notify the Department of Public Works when the work herein referred to begins and when completed and to maintain said work thereafter in a manner approved.

Signature Permittee: W. LA

Permit is not valid without customer and Public Works signatures, exact fee and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

Permit Number N 0200269 00  
Project AC Number 014082 00

Permit Date 02/22/02  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS

Location of Work 00000 NEED A STREET NAME

Contractor Number 1273

Name INNER VIEW LTD

1140 KEMPSVILLE ROAD

City CHESAPEAKE State VA Zip 233248127 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

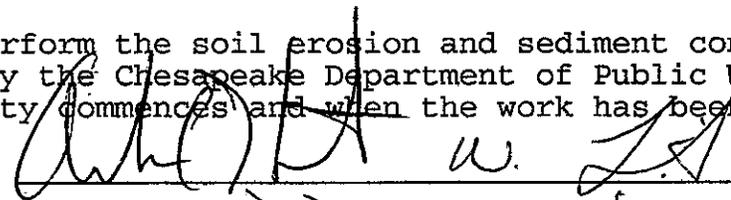
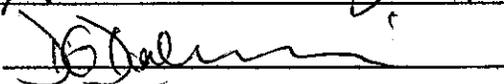
Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$82,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 02

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee

  
  
3/5/02  
DCW  
2/27/02

Processed by LUTHER

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: City Property

Address:

Phone:

Location of Work: CENTERVILLE TURNPIKE & WATTAMORE RD - ESTHERIDGE GREENS

Description of Land Disturbing Activity: ROAD IMPROVEMENTS

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

Signature of Land Owner

Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: INNER-VIEW, LTD.

Address: 1140 KEMPSVILLE ROAD

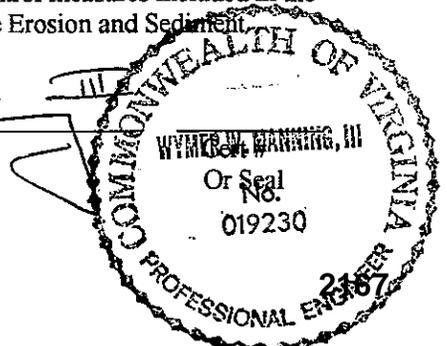
CHESAPEAKE VIRGINIA 23320

Phone: (757) 547-9711

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

Signature of Permittee

Signature of RLD



CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

02/22/02

Permit Number C 0200267 00  
Project AC Number/Bond Number 014082 00 02

Permit Date 02/22/02

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS  
Total Value of Construction \$82,000.00

Tax Map Number 0620000000020  
Property Street 00000 NEED A STREET NAME Suite Zip

Contractor Number 1273 Type of Contractor I  
Licence Number City 000000 State 2701016639A  
Name INNER VIEW LTD C/O  
2nd Name  
Address 1140 KEMPSVILLE ROAD  
City CHESAPEAKE State VA Zip 233248127 Phone 8045479711

Permission is hereby granted the permittee, insofar as the City of Chesapeake  
has the right and power to grant same, to perform the above described work at  
the location specified in accordance with City Standards.

The work shall be carried out in accordance with Chapter 66 of the Chesapeake  
City Code, entitled "Streets and Sidewalks," and PERMIT STANDARD PROVISIONS.  
Said work shall be completed in a manner satisfactory to the Department of  
Public Works within 180 days from the date of this permit and if not so  
completed the Department of Public Works may, in its discretion, complete  
the work at the expense of the applicant. The City of Chesapeake reserves full  
municipal control over the subject of this permit.

Receipt is acknowledged of \$312.00 which covers fees for inspection.

Processed by LUTHER

  
PW signature

2/27/02  
date

Permittee further agrees to notify the Department of Public Works when the  
work herein referred to begins and when completed and to maintain said work  
thereafter in a manner approved.

Signature Permittee: W. LA

Permit is not valid without customer and Public Works signatures, exact fee  
and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

pwppp 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

02/22/02

Permit Number N 0200269 00  
Project AC Number 014082 00

Permit Date 02/22/02  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS

Location of Work 00000 NEED A STREET NAME  
Contractor Number 1273  
Name INNER VIEW LTD  
1140 KEMPSVILLE ROAD  
City CHESAPEAKE State VA Zip 233248127 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

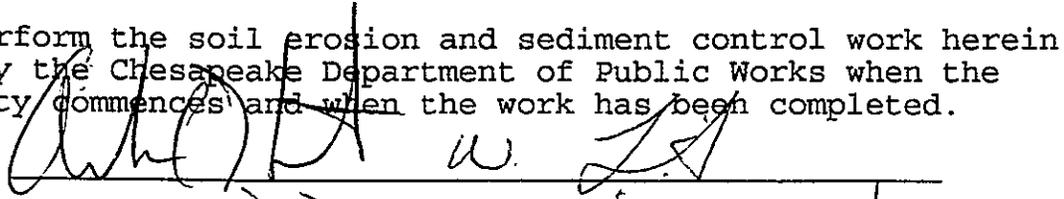
Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$82,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 02

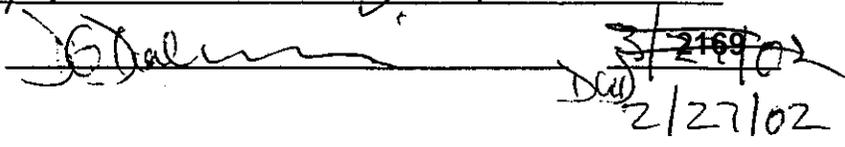
A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee



Processed by LUTHER



3/21/02  
2/27/02

City of Chesapeake

Department of Public Works

Land Disturbing Permit Application

Section I

Land Owner

Name: CITY PROPERT

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Work: CENTROVILLE TURNPIKE & WHITTAMORE RD - ESTHERIDGE GREENS

Description of Land Disturbing Activity: ROAD IMPROVEMENTS

Section II

Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

Signature of Land Owner

Date

Section III

Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: INNER-VIEW LTD.

Address: 1140 KEMPVILLE ROAD

CHESAPEAKE VIRGINIA 23320

Phone: (757) 547-9711

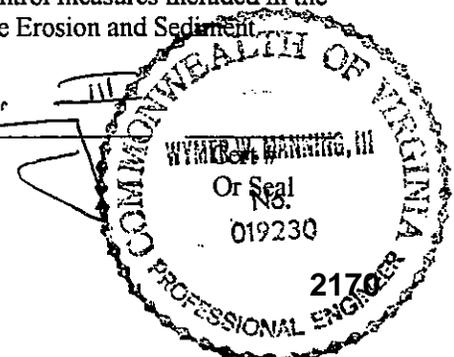
I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

*[Handwritten Signature]*

Signature of Permittee

*[Handwritten Signature]*

Signature of RLD



KNOW ALL MEN BY THESE PRESENTS, That we Inner View, Ltd.

Principal, and North American Specialty Insurance Company, a corporation duly

incorporated under the laws of the State of New Hampshire. Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of Eighty Two Thousand Dollars and 00/100 Dollars (\$82,000.00), current

money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this 26th day of February, A. D. 2002.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all improvements in accordance with approved plan of Etheridge Greens".

NOW, THEREFORE, The condition of this obligation is such that if the said principal, Inner View, Ltd.

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

Witness:

Approved as to form

Assistant City Attorney

Inner View, Ltd.

(Principal)

By (Seal)

1140 Kempsville Road

(Address)

Chesapeake, VA 23324-8127

North American Specialty Insurance Company

(Surety)

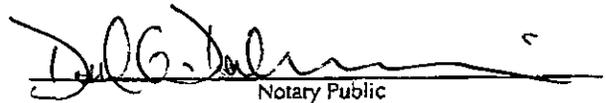
By (Seal)

(Attorney-in-Fact)

William E. Crawley

STATE OF Virginia  
City \_\_\_\_\_ of Chesapeake, to-wit:  
I, David G. Dombroski a notary public in and for the  
State at Large aforesaid, in the State aforesaid, do certify that  
W. Lewis Witt President of Inner View, Ltd.  
Address: 1140 Kempsville Road, Chesapeake, VA 23324-8127

whose name is signed to the above bond, bearing date on the 26th day of February, 20 02,  
personally appeared before me in my \_\_\_\_\_ City \_\_\_\_\_ aforesaid, and acknowledged the same.  
I further certify that my term of office expires on the 31 day of JANUARY, 20 02.  
Given under my hand this 26th day of February, 20 02

  
Notary Public

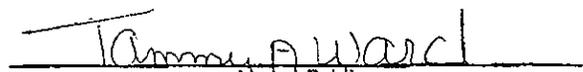
### AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF Virginia  
City \_\_\_\_\_ of Virginia Beach, to-wit:  
I, Tammy A. Ward a notary public in and for the  
City \_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
William E. Crawley personally appeared before me in  
my \_\_\_\_\_ City \_\_\_\_\_ aforesaid and made oath that he/she is  
Attorney-in-Fact of the North American Specialty Insurance Company

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
August 17, 2001, and recorded in the Clerk's Office of the Circuit Court  
Instrument No. 010033181  
of Chesapeake, in Deed Book No. 4389, page 781, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is  
\$ 10,176,000.00 that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said William E. Crawley  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires September 30, 20 02.

Given under my had this 26th day of February, 20 02

  
Notary Public  
Tammy A. Ward

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY  
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of Arizona and having its principal office in the city of Itasca, Illinois, each does hereby make, constitute and appoint:

MARK C. BUNDY, NANCY R. CHUNTA, TAMMY A. WARD

AND WILLIAM E. CRAWLEY

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:  
TEN MILLION (10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24<sup>th</sup> of March, 2000:

"RESOLVED, that any two of the President, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature]  
Daniel G. Gibson, VP, CFO & Treasurer of North American Specialty Insurance Company & Washington International Insurance Company



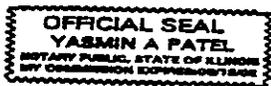
By [Signature]  
Steven P. Anderson, Sr. Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 17 day of August, 2001.

North American Specialty Insurance Company  
Washington International Insurance Company

State of Illinois  
County of DuPage ss:

17 day of August, 2001, before me, a Notary Public personally appeared and Daniel G. Gibson, VP, CFO and Treasurer of both aforementioned companies and Steven P. Anderson, Sr. Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature]

Yasmin A. Patel, Notary Public

I, Robert I. Cate, the duly elected VP & Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 26th day of February, 2002.

[Signature]

Robert I. Cate, VP & Assistant Secretary

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

December 23, 2002

Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

**RE: Etheridge Greens, AC# 014082**

Dear Mr. Manning:

Enclosed is one (1) copy of the revised site plan for the referenced project received on December 23, 2002 approved for construction of erosion & sediment control facilities and storm drainage facilities only. This approval is based on your certification that the design of all improvements conforms to applicable sections of the Chesapeake City Code and to all volumes of the current Public Facilities Manual. Any nonconforming designs must be corrected prior to acceptance of the improvements.

This approval is subject to:

1. The individual responsible for land disturbing activities holding a Certificate of Competence.
2. The same provisions as the approved plan of January 16, 2002,<sup>d</sup> and the subsequent revision approved May 8, 2002.<sup>v</sup>

The change approved by this revision is the addition of several BMPs (water features for the golf course).

Any deviation from the approved plan to include field conditions that are different will have to be submitted as a plan revision and approved by this department prior to construction.

If I can be of further assistance, you may reach me at (757) 382-6257.

December 23, 2002  
Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
RE: Etheridge Greens, AC# 014082

Page 2

Yours very truly,



Ed West, P.E.  
Engineer II

Enclosure (1)

cc: Mr. Tim Davis, Zoning Administrator (w/enclosure - 1)  
David G. Dombroski, Permits Engineer (w/enclosures - 2)  
File Room (w/enclosures - 2)

Mr. Robert DiBerardinis  
Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, Virginia 23322

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

May 8, 2002

Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

**RE: Revision to Etheridge Greens Golf Course Erosion and Sediment Control Plan, AC# 014082**

Dear Mr. Manning:

Enclosed are two (2) copies of the revised site plan received on May 7, 2002 approved for construction of erosion & sediment control facilities and storm drainage facilities only.

This approval is based on your certification that the design of all improvements conforms to the current Public Facilities Manual. Any non-conforming designs must be corrected prior to acceptance of the improvements.

Certain minor revisions are noted in red on the plans. These plans are approved subject to incorporation of these revisions.

This approval is subject to the same provisions as the approved plan of January 16, 2002.

The changes approved by this revision are as follows:

1. Construction of the BMP and associated structures.
2. Location of construction entrance to coincide with that shown on right-of-way improvement plans approved March 21, 2002.
3. Addition of BMP information to coversheet (stapled).

Any further deviation from the approved plan will have to be submitted as a plan revision and approved by this Department prior to construction.

At the time of construction, should field conditions be different from those represented by the plans,

May 8, 2002

Wymer W. Manning, III, P.E.

Hassell & Folkes, P.C.

RE: Revision to Etheridge Greens Golf Course Erosion and Sediment Control Plan, AC# 014082

Page 2

a plan revision must be submitted to this office for approval prior to construction on any items that could be affected by the revision.

Should you have any questions or need additional information, please contact me at (757) 382-6257.

Sincerely,



Ed West

Engineer II

Enclosure

cc: Mr. Tim Davis, Zoning Administrator (w/enclosure - 1)  
Mr. David G. Dombroski, Permits Engineer (w/enclosures - 2)  
File Room (w/enclosures - 2)

Mr. Robert DiBerardinis  
Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, Virginia 23322

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

March 8, 2002

Mr. Wymer W. Manning, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

**RE: Etheridge Greens - AC #014082 00**

Dear Mr. Manning:

Enclosed is one (1) copy of the revised site plan received on March 8, 2002 approved for construction of entrance and street improvements and erosions and sediment control.

This approval is based on your certification that the design of all improvements conforms to the current Public Facilities Manual. Any non conforming designs must be corrected prior to acceptance of the improvements.

Certain minor revisions are noted in red on the plans. These plans are approved subject to incorporation of these revisions.

This approval is subject to the same provisions as the approved plan of January 23, 2002.

The changes approved by this revision are as follows:

1. The storm drainage from 1 to 4.
2. Curb notch.

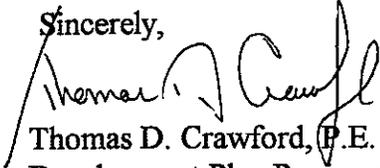
Any further deviation from the approved plan will have to be submitted as a plan revision and approved by this Department prior to construction.

At the time of construction, should field conditions be different from those represented by the plans, a plan revision must be submitted to this office for approval prior to construction on any items that could be affected by the revision.

Mr. Wymer W. Manning, P.E.  
**RE: Etheridge Greens - AC #014082 00**  
March 8, 2002, page 2

Should you have any questions or need additional information, please contact me at (757) 382-6274.

Sincerely,



Thomas D. Crawford, P.E.  
Development Plan Review Supervisor

TDC/ses  
Enclosure

cc: Mr. Tim Davis, Zoning Administrator (w/enclosure - 1)  
Department of Public Utilities (w/enclosure - 1)  
Mr. David G. Dombroski, Permits Engineer (w/enclosures - 2)  
Mr. Harold W. Creason, Fire Inspector  
File Room (w/enclosures - 2)

Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, VA 23322

Bob DiBernardinis

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

January 28, 2002

546 2462

Mr. Butch Manning, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

82,000  
462

**RE: SITE PLAN - ETHERIDGE GREENS  
CENTERVILLE TURNPIKE & WHITTAMORE ROAD IMPROVEMENTS  
AC# 014082 00**

Dear Mr. Manning:

Enclosed is one (1) copy of the site plan for the referenced project received on December 28, 2001 and conditionally approved for construction of entrance and street improvements and erosion & sediment control. This approval is based on your certification that the design of all improvements conforms to applicable sections of the Chesapeake City Code and to all volumes of the current Public Facilities Manual. Any nonconforming designs must be corrected prior to acceptance of the improvements.

This plan approval is subject to a plan revision addressing the following items:

1. Roadway Improvements:
  - a. A detail shall be provided to show proposed curve geometry for Centerville Turnpike. Show the following: point of tangency, point of curvature, radii of inside, center, and outside curves, transition length (L=WS) from the curve to the inside and outside curves, length of transition (LS), etc. Per review, it is unclear how the transition is made from the existing roadway to the outside and inside curve radii. The transition should be made using L=WS. Please revise plan as needed.
  - b. Provide additional grades at the intersection of Centerville Turnpike and Whittamore Road to clearly show the grade transitions.
2. Storm Sewer Drainage System:
  - a. Revise the proposed drainage along the northern section of Centerville Turnpike. Provide a catch basin with a cross culvert at station 7+42(+/-). The culvert will connect into a proposed drop inlet on the eastern side of Centerville Turnpike. The storm sewer system on the eastern side shall be re-aligned such that the pipes are behind the curb and gutter. From the drop inlet, a pipe will exit, cross underneath the proposed entrance, and connect into the existing ditch to the south. Sand Cement bags (EC-2) shall be provided at the pipe outlet until 2:1 side slopes can be established.
  - b. Between Structures 2 and the red-lined drop inlet, revise rim elevations and swale

configuration to drain the right-of-way behind the curb to the proposed storm sewer system. Please provide all necessary calculations to support design.

- c. The storm sewer piping inverts shall remain deep to provide for future development.
  - d. From station 7+42(+/-) to the proposed structure 5, where applicable, fill the existing swale/ditch to avoid future drainage and erosion problems. The adjacent area behind the curb may be drained by the proposed curb and gutter. The gutter pan may be extended beyond two (2) feet to provide for drainage of adjacent areas. Please review and revise applicable areas and sections accordingly.
  - e. Per PFM, Volume II, MCB-1A is a double catch basin structure. Provide a detail for the proposed "triple" MCB-1A
3. Please note that one (1) additional copy of the site plan has been provided to show red-line comments for the future plan revision submittal.

This approval is subject to:

1. The individual responsible for land disturbing activities holding a Certificate of Competence.
2. Certain minor revisions are noted in red upon the plans. These plans are approved subject to incorporation of these revisions.

In addition to the above required changes, the following are advisory:

1. Prior to site plan approval for the proposed golf course, a deed is required for right-of-way dedication and drainage easements.
2. Along Centerville Turnpike and Whittamore Road, ditch and shoulder improvements will be required for the full extent of the roadside frontage for the golf course site plan.

It is the developer's responsibility to obtain the appropriate clearances from the Virginia Department of Health and Department of Environmental Quality. Improvements within any wetlands area may require Army Corps of Engineers, Department of Environmental Quality, Coast Guard or the Local Wetlands Board approval. It is the responsibility of the developer and his consultant engineer to determine if approval is required from these or any other regulatory agencies. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing.

This approval is valid for a period of five (5) years. Permits requested subsequent to January 24, 2007 will be subject to the regulations and specifications of the City of Chesapeake which are in effect at that time.

Any deviation from the approved plan to include field conditions that are different will have to be submitted as a plan revision and approved by this department prior to construction.

Prior to construction:

1. Contact the Permits Engineer, Mr. David G. Dombroski (757) 382-6304, for the following:

- a) A Land Disturbing Permit must be obtained from this department prior to commencing any land disturbing. The permittee must provide a Certificate of Competence that qualifies the contractor to perform land disturbing activities.

Excavation shall be limited to the specified areas indicated on the approved construction plan. Excavation not conducted for the sole purpose of preparing a site for construction, as shown on the approved construction plan, requires a Use Permit in accordance with Chapter 26, Article VII of the City Code, if the excavated material is removed from the site. Prior to removal of any excavated material from the site, all bonds and permits necessary for plan implementation shall be posted and obtained.

- b) A Stormwater Permit must be obtained prior to any permit other than Land Disturbing Permit.
- c) A Right-of-Way Permit must be obtained prior to commencing work within a City maintained right-of-way or easement.
- d) Once these permits are obtained, it is required that the Permits Engineer be notified at least forty-eight (48) hours prior to commencement of construction of public facilities so that inspection may be scheduled.

2. Permit approval from the proper environmental authorities shall be obtained.

3. Prior to beginning construction, it is the developer's responsibility to contact Virginia Power to ensure the proposed improvements do not conflict with restrictions that apply within their rights-of-way and/or easements.

Prior to issuance of a building permit:

1. A Land Disturbing Permit, a Right-of-Way Permit, and a Stormwater Permit must be obtained.

Prior to receiving a Certificate of Occupancy from the Department of Inspections:

1. The Public Works related improvements proffered by the developer shall be inspected and approved.

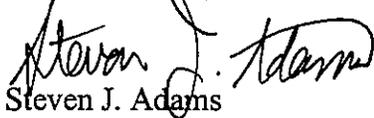
2. The Stormwater Management Plan shall be implemented and approved.
3. Site engineer must submit a Statement of Completion to the Department of Inspections.

Prior to final inspection, acceptance, and activation of any public facilities or utilities, it will be necessary that the following documents be submitted to this department:

1. A Defect Bond to guarantee the performance of the public facilities for a period of two (2) years from the date of acceptance of all physical improvements.
2. A set of reproducible "Construction Record Drawings" for these public facilities. These drawings shall consist of plans that have been corrected to include all construction amendments.
3. Submit additional documents as required by the Department of Public Utilities. A letter will be forthcoming from that Department requesting this information. Any required approvals or certificates from Virginia Department of Health and Department of Environmental Quality must be received by Department of Public Utilities.

If I can be of further assistance, you may reach me at (757) 382-6126.

Yours very truly,



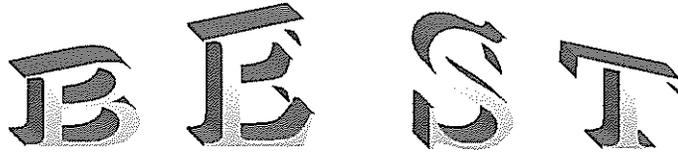
Steven J. Adams  
Civil Engineer II

Enclosure (1)

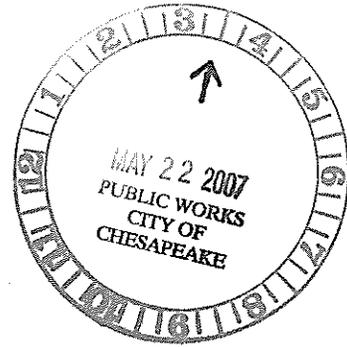
cc: Mr. Tim Davis, Zoning Administrator (w/enclosure - 1)  
Department of Public Utilities (w/enclosure - 1)  
Mr. David G. Dombroski, Permits Engineer (w/enclosures - 2)  
Mr. Harold W. Creason, Fire Inspector  
File Room (w/enclosures - 2)

Virginia Department of Health  
Southeast Virginia Engineering Field Office  
5700 Thurston Avenue, Suite 203  
Virginia Beach, Virginia 23455-3302

Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, VA 23322



Blake Engineering Services of Tidewater, PLLC.



May 22, 2007

Mr. Jay Tate, PE  
City of Chesapeake  
Department of Public Works  
P.O. Box 15225  
Chesapeake, Virginia 23328-5225

RE: Etheridge Greens  
AC#014082

Dear Mr. Tate:

On behalf of our client, we are respectfully requesting a substitution for the replacement of 10" of asphalt as directed by the City's letter of May 26, 2004. Per the inappropriately pavement depth on the above referenced project, it is acknowledged that the thickness of the pavement placed does not meet the design as shown by the pavement cores taken. There is also no debate that that a "mill and overlay" will not substitute for actual pavement thickness either. But as the attached photographs show the pavement in the project vicinity has held up well with construction truck traffic for the past three years. (the exception being the pavement failure directly above the storm drainage pipe crossing). This is not to challenge the actual pavement design. As a suggestion, instead of replacing pavement that appears to be structurally sound for the most part, a mill and overlay for both the project area and expanded areas immediately to the north to say Fentress Road would seem more beneficial to the traveling public.

Please contact me if you have any questions or should wish to discuss the matter further at (757) 237-1657.

Sincerely,

John W. Blake, II, P.E.









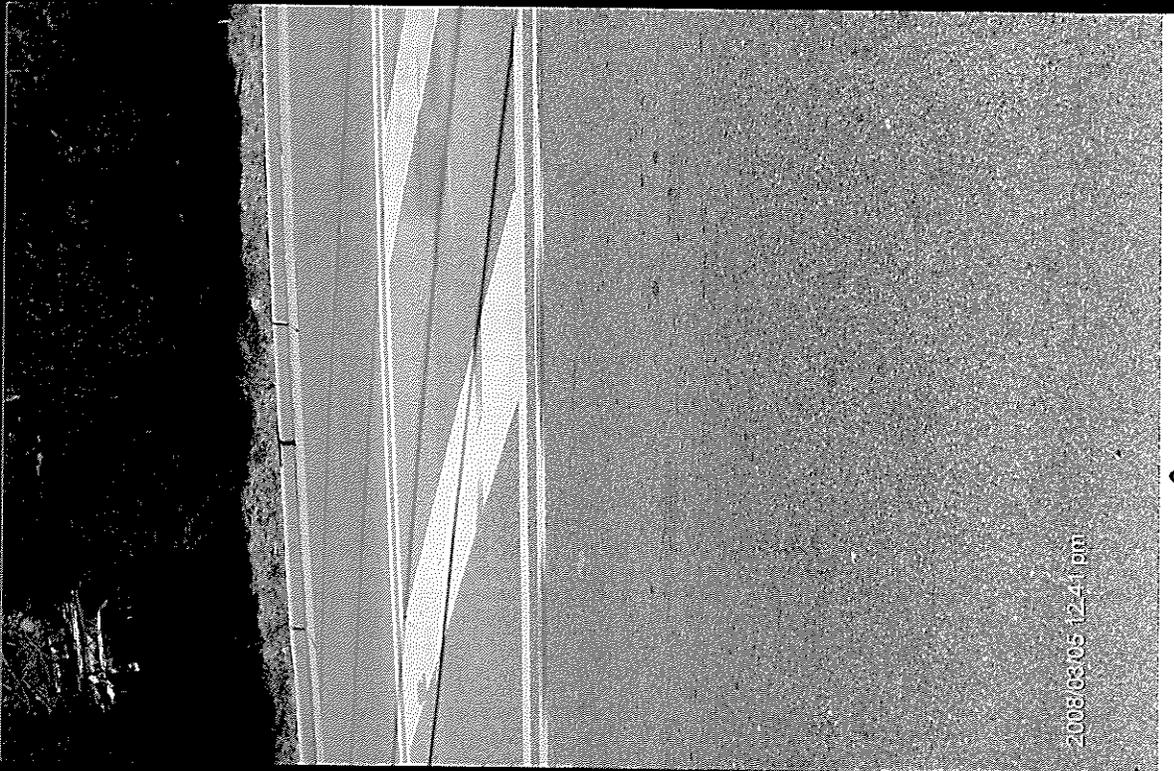








GOOD PAVEMENT



GOOD PAVEMENT



GOOD PAVEMENT



CRACKED PAVEMENT



OFF SITE PAYMENT



6000  
PAYMENT → OFF SITE



2008/03/05 12:46 pm

North City - Palmdale

## Dave Dombroski - Re: Centerville Turnpike

---

**From:** Dave Dombroski  
**To:** John Blake  
**Date:** 2/13/2007 4:28:35 PM  
**Subject:** Re: Centerville Turnpike  
**CC:** Jay Tate; Mark Curry

---

John,

A simple mill and overlay will not restore pavement strength. Please review my letter of May 26, 2004 and the core sample report dated December 22, 2003(Attached) and use them as the basis for a pavement reconstruction design. Should you need additional information, please call or email.

>>> "John Blake" <johnb@midgetteandassociates.com> 02/01/07 11:13 AM >>>  
At your earliest connivance, would you please let me know the requirement for Centerville Turnpike improvements? Personally, I am thinking that milling and overlaying a larger area than the original project scope as a compromise. As I would think it would be a waste to just dig up the road and put more asphalt for a road section that "appears" to be working for the most part. I am suggesting as a compromise, that instead of tearing up the project area's asphalt and repaving that we mill and overlay more than the project area..... say 500 hundred feet north and south of the project area.

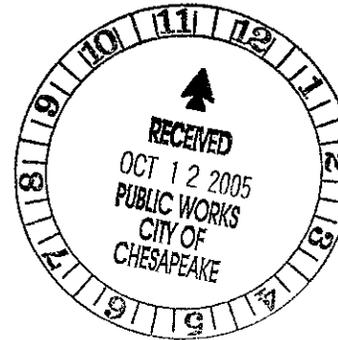
Please let me know ..... As all of us would like the issue to go away  
Thanks

**John W. Blake, II, P.E.**  
[JohnB@midgetteandassociates.com](mailto:JohnB@midgetteandassociates.com)

**Midgette and Associates, P.C.**  
115 Bruton Court, Unit C  
Chesapeake, Virginia 23322  
Phone: (757) 547-3686  
Fax: (757) 547-5701

October 11, 2005

City of Chesapeake  
Department of Public Works  
PO Box 15225  
Chesapeake, VA 23328



Re. Fentress Property  
Centerville Tpk. & Whittamore Rd.  
Tax Map No. 0620000000050  
DB 3847 pg. 224

Att: Dave Dunbrowski:

As owner of a 1/3 undivided interest in the above parcel of land and on behalf of the other undivided owners, namely, my sister Paige Fentress Custer, and my two nieces, Sue Fentress Phelps and Bonnie Fentress Baldwin, who have authorized me to write on their behalf, I hereby grant permission and authorize the City of Chesapeake to install pipe in the ditch along the east side of Centerville Turnpike and around the corner turn onto Whittamore Road, without expense to the owners.

My telephone number is 482-3560 if there are any questions.

Sincerely,

Bettie Fentress Grissom

DATE 3/07/05  
TIME 16:22:37

CITY OF CHESAPEAKE  
TAX ID # ASSESSMENT SUMMARY

PARCEL - 0620000000050  
BORO - 04 RATE .01280

OWNER - CUSTER PAIGE F ET ALS  
PROJECT -  
PROPERTY- WHITTAMORE ROAD  
LEGAL - TRS 2-8 & 11 ROACHE & FENTRESS PLAT 149.720 AC

OWNER CD -  
CEN TRACT-  
STAT AREA-  
ZONING - A1

PURCHASE DATE - 03/08/99 PURCHASE AMOUNT -  
DEED BOOK REF. 3847 DEED PAGE REF. 224  
MAP BOOK REF. 21 MAP PAGE REF. 24

TAX ID # STATUS: EXISTING SINCE UNKNOWN NC- 0472 PT- RL  
CREATED FROM TAX ID 000000000000 STATE CLS- 006  
SPECIAL PROGRAMS 1- 2- \*CURRENT LAND USE PARCEL\*

-----ASSESSMENT VALUES-----  
LAND IMPROVEMENT TOTAL  
PREVIOUS TAX YEAR 299,400 299,400  
CURRENT TAX YEAR 299,400 299,400  
ADJ CUR TAX YEAR  
FUTURE TAX YEAR 329,400 329,400

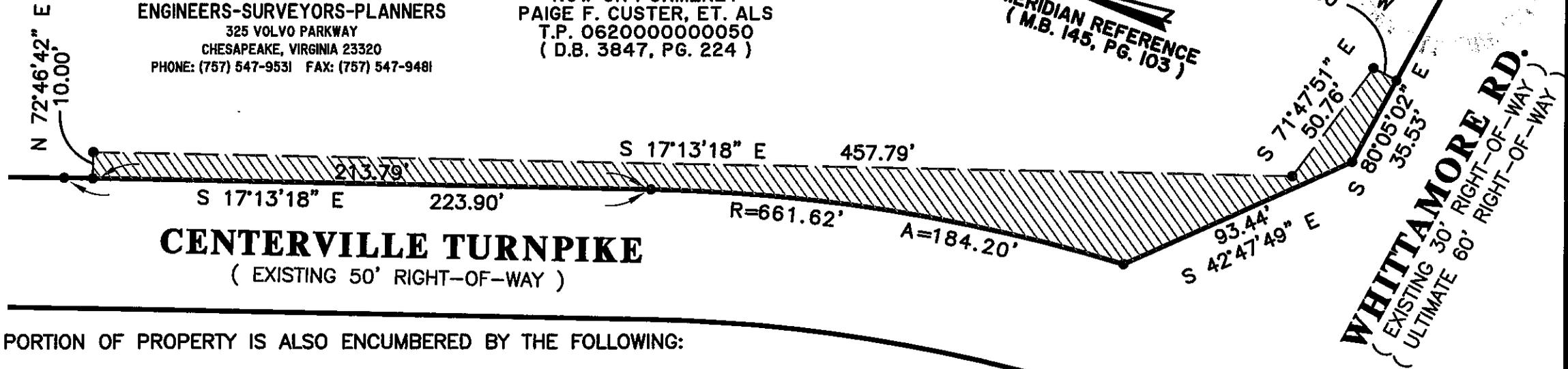
-----SCREEN OPTIONS-----  
OPT'S 1 FW; 2 BW; 3 NAM; 4 ST; 5 OWNERS; 6 TAX; 7 MADD; 8 IMPV DESC; 10 LAND  
9 HELP; 12 OTHER OPTIONS MENU OPTION.. PA2 EXIT REAL07M





**HASSELL & FOLKES, P.C.**  
 ENGINEERS-SURVEYORS-PLANNERS  
 325 VOLVO PARKWAY  
 CHESAPEAKE, VIRGINIA 23320  
 PHONE: (757) 547-9531 FAX: (757) 547-9481

NOW OR FORMERLY  
 PAIGE F. CUSTER, ET. ALS  
 T.P. 062000000050  
 ( D.B. 3847, PG. 224 )



THIS PORTION OF PROPERTY IS ALSO ENCUMBERED BY THE FOLLOWING:

- 1.) 10' TELEPHONE COMPANY ESM'T ( SHPB 1, PG. 467 )
- 2.) 20' VA. NATURAL GAS PERMANENT R/W ESM'T ( D.B. 4587, PG. 764 )
- 3.) VARIABLE WIDTH H.R.S.D. ESM'T ( D.B. 5120, PG. 53 ) ( M.B. 145, PG. 103 )

THESE EASEMENTS ARE REFERENCED BUT NOT SHOWN FOR CLARITY.

BOUNDARY AND EASEMENTS AS SHOWN ON "PLAT SHOWING EASEMENT FOR HAMPTON ROADS SANITATION DISTRICT SOUTHEASTERN I.F.M. FROM PAIGE F. CUSTER et. als. PLEASANT GROVE BOROUGH - CHESAPEAKE VIRGINIA" DATED OCTOBER 7, 2002, PREPARED BY LEE S. ROOD, P.C. AND RECORDED IN MAP BOOK 145, PAGE 103.



DENOTES VARIABLE WIDTH  
 PUBLIC DRAINAGE EASEMENT  
 AREA = 7,341 SQ. FT.  
 AREA = 0.169 ACRES

EXHIBIT "A" SHOWING  
**VARIABLE WIDTH PUBLIC  
 DRAINAGE EASEMENT**

T.P. 062000000050  
 NOW OR FORMERLY

**PAIGE F. CUSTER, ET. ALS**

BUTTS ROAD BOROUGH CHESAPEAKE, VIRGINIA  
 SCALE: 1"=50' DECEMBER 12, 2003 2200

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

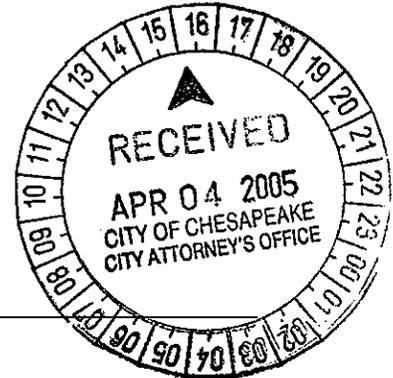
## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works *DGD*

**DATE:** April 4, 2005

**RE:** **ETHERIDGE GREENS – AC #01408200**



Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Lutricia Sykes at ext. 6269 when ready for pick up.

DGD:ls  
Attachment

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works 

**DATE:** April 4, 2005

**RE:** **ETHERIDGE GREENS – AC #01408200**

---

Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Lutricia Sykes at ext. 6269 when ready for pick up.

DGD:ls  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

March 24, 2005

Adroit Utilities  
Mr. Brian Malcolm  
1729 West Road, Suite 4  
Chesapeake, VA 23323

**SUBJECT: Etheridge Greens, AC# 01408200**

Dear Mr. Malcolm,

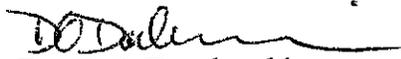
As per your request, please find enclosed one permit bond form and two unsigned right-of-way permits for the referenced site. The required permit bond amount is \$82,000.00 and the permit fee is \$147.00. This will cover the right-of-way permit only. It is the responsibility of the permittee to obtain all permits that may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material on this or any other site. The verbiage for the permit bond is as follows:

“Construct all improvements in accordance with approved plan of Etheridge Greens”

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form, if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation, unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractor's public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,

  
David G. Dombroski  
Permits Engineer

G:\sefolder\bmary\dombroski\01408200 Etheridge 032405 L16

**CPM Virginia LLC  
Caribe Aggregates, LTD**

---

**Neil Wallace, President**  
[ntwallace@aol.com](mailto:ntwallace@aol.com)

February 1, 2005

Mr. David Dombroski  
Permits Engineer  
Department of Public Works  
Chesapeake, VA 23328

Dear Dave:

This letter will confirm our agreement that CPM Virginia LLC intends to solicit bids in the next two weeks to do the pipe work on the Grissom property with the intent that the work be completed within sixty days from today's date and that as part of the bid request, bidders will be required to post the bond for \$82,000.

Very truly yours,



Neil Wallace

## MEMORANDUM

To: David G. Dombroski, Permits Engineer/Public Works Dept.

From: Joseph M. DuRant, Assistant City Attorney 

Re: Etheridge Green  
Ac #01408200  
Permit Bond

Date: January 25, 2005

Please note that the above-referenced document has been approved as to form and is being returned to you for further handling.

Enclosure



Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney   
**FROM:** David G. Dombroski, Permits Engineer, Public Works  
**DATE:** January 25, 2005  
**RE:** **ETHERIDGE GREEN – AC #01408200**

---

Please find attached permit bonds for the above referenced site. The bond amounts are correct.

Please approve same as to form and return to this office for further handling.

Please call Lutricia Sykes at ext. 6269 when ready for pick up.

DGD:ls  
Attachment

January 19, 2005

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

VFL Technology Corporation  
Mr. Jim Delizzio  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS, PHASE IA – AC #01408200**

Dear Mr. DeLizzio:

As per your request, please find enclosed one permit form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$320,000.00 and the permit fee is \$150.00. This will cover the land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

“Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etheridge Greens, Phase IA“.

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD:ls  
Enclosure

January 19, 2005

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

VFL Technology Corporation  
Mr. Jim DeLizzio  
16 Hagerty Boulevard  
West Chester, PA 19382

**RE: ETHERIDGE GREENS, PHASE I – AC #01408200**

Dear Mr. DeLizzio:

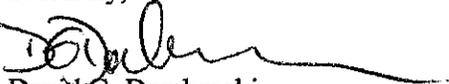
As per your request, please find enclosed one permit form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$184,000.00 and the permit fee is \$150.00. This will cover the land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

“Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etheridge Greens, Phase I”.

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD:ls  
Enclosure

**\*\* Transmit Conf. Report \*\***

P:1

Jan 19 2005 10:58

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 916109187222     | NORMAL | 19,10:58 | 2'00" | 10   | # 0 K  |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|                                    |  |
|------------------------------------|--|
| <b>TO:</b><br>Jim DELIZZIO         | <b>FROM:</b><br>Dave Dombrowski                                |
| <b>Company Name:</b><br>WFL        | <b>Date:</b><br>1/19/05  |
| <b>Office Location:</b>            | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>610 918 7222 | <b>Phone Number:</b><br>757 382 6304                           |

**SUBJECT:** ETHERIDGE GREENS ACT# 01408200

- Urgent    
  Reply ASAP    
  Please Comment    
  Please Review    
  For Your Information  
 As Requested    
  As Discussed

Total pages, including cover: 10

**COMMENTS:** Jim,  
 GIVE ME A CALL IF YOU NEED SOME HELP.  
 2209

**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

## FAX COVER SHEET

|                                    |  |
|------------------------------------|--|
| <b>TO:</b><br>Jim DELIZZIO         | <b>FROM:</b><br>Dave Dombroski                                 |
| <b>Company Name:</b><br>WFL        | <b>Date:</b><br>1/19/05  |
| <b>Office Location:</b>            | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>610 918 7222 | <b>Phone Number:</b><br>757 382 6304                           |

**SUBJECT:** ETHERIDGE GREENS ACT# 01408200

Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information  
 As Requested   
  As Discussed

Total pages, including cover: 10

**COMMENTS:** Jim,  
 GIVE ME A CALL IF YOU NEED SOME HELP.



Original will be sent via US Mail  
 Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

01/19/05

Permit Number N 0500047 00  
Project AC Number 014082 00

Permit Date 01/19/05  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5255  
Name VFL TECHNOLOGY CORP  
16 HAGERTY BLVD  
City WEST CHESTER State PA Zip 19382 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$184,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 11

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by DAVE

2211

Number W 0500048 00 Date 01/19/05  
Tax Map Number 0620000000020  
Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 11  
Description of work ETHERIDGE GREENS PHASE 1  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5255  
Name VFL TECHNOLOGY CORP

16 HAGERTY BLVD  
WEST CHESTER State PA Zip 19382 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee \_\_\_\_\_

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

01/19/05

Permit Number N 0500049 00  
Project AC Number 014082 00

Permit Date 01/19/05  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1A  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5255  
Name VFL TECHNOLOGY CORP  
16 HAGERTY BLVD  
City WEST CHESTER State PA Zip 19382 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

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The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$320,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 12

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Signature of Permittee \_\_\_\_\_

Number W 0500050 00 Date 01/19/05  
Tax Map Number 0620000000020  
Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 12  
Description of work ETHERIDGE GREENS PHASE 1A  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5255  
Name VFL TECHNOLOGY CORP

16 HAGERTY BLVD  
WEST CHESTER State PA Zip 19382 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee \_\_\_\_\_

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

January 18, 2005

CPM Virginia, LLC  
Mr. Neil T. Wallace  
P. O. Box 6902  
Williamsburg, Va 23188

**Subj: ETHERIDGE GREENS - AC #01408200**

Dear Mr. Wallace:

We have recently inspected the subject site and discovered multiple use permit violations. Approximately 8 acres of fly ash was uncovered at the time of inspection and additional fly ash was being delivered to the site with no active effort to cover it with soil. Use Permit 01-03 requires that no more than 4 acres of fly ash be exposed at any time and that the maximum period of exposure is seven days from the time of delivery. The fly ash has been exposed for more than seven days. The inspector also observed that electrical power to the well has been cut off preventing the regular application of water as is required by the use permit. We understand that the electrical power was restored on January 11, 2005, however, water is not being applied to the fly ash.

Additionally, it is our understanding that Inner View, Ltd. and C & M Contracting, Inc. are no longer involved with this project. It is required that the bonds supplied by these entities and the permits they secure be replaced. The paperwork to effect this transition was faxed to you on December 10, 2004.

Finally, the intersection improvements on Centerville Turnpike at Whittamore Road remain incomplete. This department allowed the commencement of fly ash delivery to the site based on the installation of a serviceable left turn land and the assurances of CPM Virginia, LLC that the ditch at the northeast quadrant of the Centerville/Whittamore intersection would be piped in a timely manner. Fly ash delivery has continued for approximately 18 months while the ditch remains unpiped. Lack of piping represents a degradation of pre-existing shoulder conditions which must be corrected.

Please be advised that no further fly ash delivery is permitted until the following actions are completed:

- 1) All exposed fly ash is covered with soil.
- 2) Water is regularly applied to any exposed fly ash.

CPM Virginia, LLC  
RE: ETHERIDGE GREENS – AC #01408200  
January 18, 2005  
Page 2

- 3) All bonds and permits now supplied by Inner View Ltd. and C & M Contracting, Inc. be replaced.
- 4) Your submittal and our approval of a completion time line for the required pipe at the northeast quadrant of the Centerville/Whitamore intersection.

Should you need additional information, please call me at (757) 382-6304.

Cordially,



David G. Dombroski  
Permits Engineer

DGD:ls

cc: Eric J. Martin, P.E., City Engineer  
Jay B. Tate, Assistant City Engineer  
Joe DuRant, Assistant City Attorney

Dominion Virginia Power  
Mr. Max Bartholomew, Senior Manager External Affairs  
4901 Princess Anne Road  
Virginia Beach, Virginia 23462-4309

**\*\* Transmit Conf. Report \*\***

P.1

Jan 19 2005 8:20

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 95479481         | NORMAL | 19, 8:20 | 0'24" | 3    | # 0 K  |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|                                |  |
|--------------------------------|--|
| <b>TO:</b><br>Grey             | <b>FROM:</b><br>Dave Dombroski                                 |
| <b>Company Name:</b><br>H & F  | <b>Date:</b><br>1/19/05  |
| <b>Office Location:</b>        | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547 9481 | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS A# 01408200

- Urgent    
  Reply ASAP    
  Please Comment    
  Please Review    
  For Your Information

- As Requested    
  As Discussed

**Total pages, including cover:** 3

**COMMENTS:**  
FYI

**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax: (757) 382-6310  
 Fax: (757) 382-8537

## FAX COVER SHEET

|                                |  |
|--------------------------------|--|
| <b>TO:</b><br>GREY             | <b>FROM:</b><br>DAVE Dombroski                                 |
| <b>Company Name:</b><br>H&F    | <b>Date:</b><br>1/19/05  |
| <b>Office Location:</b>        | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547 9481 | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS A# 01408200

Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information  
 As Requested   
  As Discussed

Total pages, including cover: 3

**COMMENTS:**

FYI

Original will be sent via US Mail

Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

January 18, 2005

CPM Virginia, LLC  
Mr. Neil T. Wallace  
P. O. Box 6902  
Williamsburg, Va 23188

**Subj: ETHERIDGE GREENS - AC #01408200**

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CPM Virginia, LLC  
RE: ETHERIDGE GREENS – AC #01408200  
January 18, 2005  
Page 2

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Cordially,



David G. Dombroski  
Permits Engineer

DGD:ls

cc: Eric J. Martin, P.E., City Engineer  
Jay B. Tate, Assistant City Engineer  
Joe DuRant, Assistant City Attorney

Dominion Virginia Power  
Mr. Max Bartholomew, Senior Manager External Affairs  
4901 Princess Anne Road  
Virginia Beach, Virginia 23462-4309

**\*\* Transmit Conf. Report \*\***

P.1

Jan 21 2005 11:53

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 96453755         | NORMAL | 21,11:53 | 0'31" | 3    | # O K  |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>NEIL WALLACE               | <b>FROM:</b><br>DAVE DOMBROSKI                                 |
| <b>Company Name:</b><br>CPM VIRGINIA LLC | <b>Date:</b><br>1/21/05  |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>757 645-3755       | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** ETHRIDGE GREEN ACT# 01408200

- Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information  
 As Requested   
  As Discussed

Total pages, including cover: 3

**COMMENTS:** Give me a call if I can help.

**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>NEIL WALLACE               | <b>FROM:</b><br>DAVE DOMBROSKI                                 |
| <b>Company Name:</b><br>CAM VIRGINIA LLC | <b>Date:</b><br>1/21/05  |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>757 645-3755       | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** ETHERIDGE GREEN AC# 01408200

- Urgent    
  Reply ASAP    
  Please Comment    
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  For Your Information  
 As Requested    
  As Discussed

Total pages, including cover: 3

**COMMENTS:** GIVE ME A CALL IF I CAN HELP.



- Original will be sent via US Mail  
 Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

DEPARTMENT OF PUBLIC WORKS  
P.O. Box 15225  
Chesapeake, Virginia 23328

TO: CPM, C<sup>i</sup>M, VFL

FROM: KWHarrell

DATE: 1/11/05

SUBJECT: Etheridge Greens, # 014082

MESSAGE: The delivery of ash is to be immediately stopped due to the lack of covering of the ash, on site.

A letter from Dave Dombroski is forthcoming with further details/directives. (KWH)

REPLY:

*for the* C<sup>i</sup>M  
Left Message for Charles

of VFL @ 9:53 @ 435-0382

CPM

A-E/1-

Lern @ 816-5730

2223

C<sup>i</sup>M FAX 421-7549

CG-24,083/R-93

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

May 26, 2004

Combustion Products Management, Inc.  
Mr. Robert S. DiBerardinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: Etheridge Greens – AC #014082 00**

Dear Mr. DiBerardinis:

Thank you for our meeting of May 25, 2004 wherein we discussed my letter of April 27, 2004 and your response of May 6, 2004. I feel that we have reached an equitable agreement regarding the resolution of the three items discussed in those letters: repair of the Whitmore Road pavement, restoration of the Centerville Turnpike pavement section and installation of pipe to restore the shoulder width at the northeast quadrant of the Whitmore Road/Centerville Turnpike intersection.

It was agreed that the damaged areas on Whitmore Road will be repaired by mid June. Those areas will be marked by our inspection staff Thursday May 27, 2004 at 9:00 am. The damaged areas shall be excavated to a depth of 10" and replaced with 10" of BM-2 installed in three lifts. Prior to the placement of the asphalt the sub-base shall be inspected and any unsuitable material discovered shall be undercut and backfilled with compacted select material. It is the contractor's responsibility to notify the inspector 48 hours prior to commencing the repair work. A seal coat shall be applied to the BM-2 after placement.

The north and southbound lanes of Centerville Turnpike shall be reconstructed from the northern limits of construction to a point 50' south of the C-4 core location (ECS, LTD cores sampled 12/21/03) to meet or exceed the design pavement section or equivalent per the approved Etheridge Greens Centerville Turnpike & Whitmore Road improvement plan. Those plans shall be revised to delineate the limits of reconstruction. It is agreed that the reconstruction of this area may be delayed until the first quarter of 2007 or until the area begins to deteriorate, whichever occurs soonest.

Public Works staff will contact the consultant to determine if efforts to obtain a drainage easement at the northeast quadrant of the Centerville Turnpike/Whitmore Road intersection have been exhausted. If it is determined the efforts have been exhausted, Public Works will directly approach the landowner to facilitate the installation of the proposed pipe. When this is achieved the plan revision showing the proposed pipe shall be approved and installation of the pipe shall proceed within 60 days of plan approval.

Combustion Products Management, Inc.  
**RE: Etheridge Greens – AC #014082 00**  
May 26, 2004, page 2

Public Works shall recalculate the right-of-way permit bond for the Centerville Turnpike and Whitamore Road improvement plan to include the proposed pipework, reconstruction of Centerville Turnpike and repair of Whitamore Road as described above and to exclude work already completed. A third party contractor shall provide surety and be issued a permit for the work described in this letter to be completed in the timeframes established in this letter and agreed to in our meeting. This permit and surety will replace those now on file from Inner-View LTD effecting their release. Please have your contractor contact this office as soon as possible so that we can provide the necessary paperwork.

We appreciate your cooperation reaching these accords and your ongoing efforts to keep Whitamore Road serviceable. Should your understanding of our agreements differ from those stated in this letter please notify me promptly.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: J.B. Tate, P.E., Assistant City Engineer  
Ed West, P.E., Review Engineer  
Karen W. Harrell, Construction Inspector

Inner-View, LTD  
Mr. W. Lewis W.H.  
1140 Kempsville Road  
Chesapeake, VA 23320

Hassell & Folkes  
325 Volvo Parkway  
Chesapeake, VA 23320  
Attn: Mr. Grey Folkes

Combustion Products Management, Inc.  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax



May 6, 2004

City of Chesapeake  
Mr. Dave Dombroski  
Permits Engineer  
Department of Public Works  
P.O. Box 15225  
Chesapeake, VA 23328

Dear Mr. Dombroski,

We are in receipt of your letter dated April 27, 2004. In reference to this letter, Combustion Products Management Inc. would respectfully request your consideration on the following items.

CPM acknowledges that the deterioration of Whittamore Road has occurred mostly due to the excessive truck traffic generated from the golf course project. We have been working diligently in repair of the deteriorating section as is evidenced by the three sets of patches installed by both Inner View, LTD. and C&M Contracting. The last repair was completed just two weeks ago. We have every intention of completing the repairs as budgetary funds permit. CPM would, however, request a temporary alternate pavement section that is stronger yet less costly for continued repairs, acknowledging that Whittamore Road must be rebuilt from Centerville to the entrance of the golf course at the culmination of the project. I would suggest using a 10.5 inch layer of binder asphalt, eliminating the stone and the topping to increase the strength of the road. This solution would more than likely last the entirety of the project opposed to the current section.

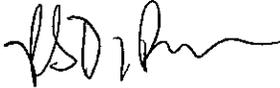
To my knowledge, the road improvements initially made to Centerville Turnpike were constructed according to the specification of the approved plans. The lack of pavement section in the areas highlighted is also a concern to CPM. Given the fact that CPM acted according to proffer, in good faith, we would request that a more creative solution be applied. One solution would be to raise the curb and increase the pavement section to meet the standards required. It seems that this could be easily done over the approximately 270' of repair that you called for. I would also ask that this work be held to the end of the project or until some deterioration of Centerville is evidenced.

Finally, I will be in contact with Hassell and Folkes PC, to inquire as to the status of the plan revision regarding the northeast quadrant of the Whittamore Road / Centerville Turnpike intersection. As the timing of the submission is not in our control we would ask that the required date of submission be coordinated with the engineers.

Combustion Products Management, Inc.  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax

I appreciate your concerns regarding right of way improvements on this project and would encourage a personal meeting to discuss options and strategies. As you can imagine, the concern also extends to our friends at Dominion Energy and I would like to invite them to participate as well. I can be contacted at 757.560.4204 at any time.

Sincerely,



Robert S. DiBerardinis  
Combustion Products Management, Inc.

Cc: Neil Wallace  
Combustion Products Management, Inc.  
1769 Jamestown Road, Suite 106  
Williamsburg, VA 23185

Dave Bristow  
Dominion / Virginia Power  
5000 Dominion Blvd  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion / Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309

April 27, 2004

Combustion Products Management, Inc.  
Mr. Robert S. Diberandinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: *Etheridge Greens – AC #014082 00***

Dear Mr. Diberandinis:

On April 22, 2004, we received results of the core samples taken December 21, 2003 on Centerville Turnpike near Whitamore Road. Per my letter of December 10, 2003, discovery of core samples having a pavement section less than the existing pavement section will necessitate corrective work in those areas. Analysis of the core samples indicate that C-2, C-3 and C-4 do not meet the existing section.

It is required that the north and southbound lanes of Centerville Turnpike from the northern limits of construction to 50' south of the C-4 core location be reconstructed to meet or exceed the design pavement section or equivalent.

All reconstruction shall be in accordance with all PFM requirements including, but not limited to, cross slopes. Repair methods and traffic control shall be approved by this department prior to commencement of the corrective work.

Please note that the plan revision for the northeast quadrant of the Whitamore Road / Centerville Turnpike intersection, which was returned to your consultant with comments on January 28, 2004, has not been resubmitted. It is required that the revision be resubmitted and that all review comments be addressed.

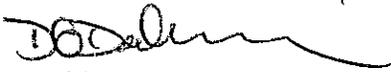
Finally, the condition of Whitamore Road has deteriorated due to the excessive truck traffic entering and leaving the site. All damaged areas of Whitamore Road must be repaired.

Please be advised that the reconstruction of Centerville Turnpike, the resubmittal of the plan revision and the repair of Whitamore Road must be complete no later than May 28, 2004.

Combustion Products Management, Inc.  
*RE: Etheridge Greens - AC #014082 00*  
April 27, 2004, page 2

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: J.B. Tate, P.E., Assistant City Engineer

S. Grey Folkes, Jr., P.E.  
325 Volvo Parkway  
Chesapeake, VA 23320

Inner-View, LTD  
Mr. W. Lewis Witt  
1140 Kempsville Road  
Chesapeake, VA 23320

December 10, 2004

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

CPM Virginia, LLC  
Mr. Neil T. Wallace  
P. O. Box 6902  
Williamsburg, VA 23188

**RE: ETHERIDGE GREENS, PHASE I A- AC #01408200**

Dear Mr. Wallace:

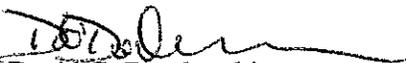
As per your request, please find enclosed one permit form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$320,000.00 and the permit fee is \$150.00. This will cover the land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

“Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etheridge Greens”.

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractor's public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD:ls  
Enclosure

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

12/10/04

Permit Number N 0401972 00  
Project AC Number 014082 00

Permit Date 12/10/04  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1 A  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5220  
Name CPM VIRGINIA LLC  
P O BOX 6902  
City WILLIAMSBURG State VA Zip 23188 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$320,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 09

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 09  
Description of work ETHERIDGE GREENS PHASE 1 A  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5220  
Name CPM VIRGINIA LLC

Number W 0401973 00 Date 12/10/04  
Tax Map Number 0620000000020

P O BOX 6902  
WILLIAMSBURG State VA Zip 23188 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

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The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee \_\_\_\_\_

December 10, 2004

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

CPM Virginia, LLC  
Mr. Neil T. Wallace  
P. O. Box 6902  
Williamsburg, VA 23188

**RE: ETHERIDGE GREENS, PHASE I – AC #01408200**

Dear Mr. Wallace:

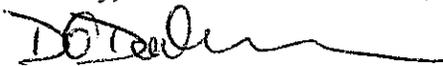
As per your request, please find enclosed one permit form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$184,000.00 and the permit fee is \$150.00. This will cover the land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

“Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etheridge Greens, Phase I”.

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractor's public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD:ls  
Enclosure

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

12/10/04

Permit Number N 0401974 00  
Project AC Number 014082 00

Permit Date 12/10/04  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS PHASE 1

Location of Work 00000 WHITTAMORE ROAD

Contractor Number 5220

Name CPM VIRGINIA LLC

P O BOX 6902

City WILLIAMSBURG

State VA Zip 23188

Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$184,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 10

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by DAVE

2234

Project AC Number 014082 00  
Plan Approval Date 1/16/02 Bond 014082 00 10  
Description of work ETHERIDGE GREENS PHASE 1  
Location of Work 00000 WHITTAMORE ROAD  
Contractor Number 5220  
Name CPM VIRGINIA LLC  
Number W 0401975 00 Date 12/10/04  
Tax Map Number 0620000000020

P O BOX 6902  
WILLIAMSBURG State VA Zip 23188 Phone

Work under this permit shall be done under and in accordance with the provisions of the Chesapeake City Code, Chapter 26 Article VIII; and the Public Facilities Manual; and any improvements and stormwater facilities approved will be constructed, operated and maintained in a manner satisfactory to the Department of Public Works so far as said rules are applied hereto. This permit is required for all proposed stormwater facilities which discharge into the stormwater system of the City of Chesapeake or directly into the waters of the Commonwealth of Virginia and of the United States.

Said work shall be completed in a manner satisfactory to the Department of Public Works within 180 days from the date of this permit and if not so completed the Department of Public Works may, in its discretion, complete the work at the expense of the applicant, and may further make a claim against any surety, bond, or collateral held by the City. The City of Chesapeake reserves full municipal control over the subject of this permit, and reserves all rights and remedies accorded thereby.

The permittee agrees as follows: (1) To construct stormwater facilities as indicated on City approved site, construction or development plans and in accordance with the approved stormwater management plan; (2) To indemnify and hold the City harmless from all claims and damages arising from the work cited on this permit; (3) To comply with all applicable City or State construction standards or specifications; and (4) To allow access of City personnel upon the property to inspect the work.

The permittee and owner agree to operate and maintain stormwater facilities in accordance with the City approved Stormwater Management Plan; copy of which is attached hereto. The permittee and owner also agree to allow access of City personnel upon the property for maintenance inspections.

The permittee is also subject to the following special conditions:

This permit shall become void if the authorized work is not completed within three years after issuance of the permit or if the authorized work is suspended or abandoned for twelve consecutive months.

Permittee and owner agree to notify the Department of Public Works 48 hours before the work begins and when completed and to inspect and maintain the work as required by law. Permittee and owner acknowledge that Certified Construction Record Drawings shall be submitted to the Department of Public Works prior to the the issuance of a certificate of occupancy.

Signature of Permittee \_\_\_\_\_

December 10, 2004

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

CPM Virginia, LLC  
Mr. Neil T. Wallace  
P. O. Box 6902  
Williamsburg, Virginia 23188

**RE: ETHERIDGE GREENS  
AC #01408200**

Dear Mr. Wallace:

As per your request please find enclosed one permit bond form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned right of way permits for the referenced site. The required permit bond amount is \$82,000.00 and the permit fee is \$462.00. This will cover the right of way and land disturbing permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26 Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all improvements in accordance with approved plan of Etheridge Greens" .

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/lis  
Enclosure

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

12/10/04

Permit Number C 0401970 00  
Project AC Number/Bond Number 014082 00 08

Permit Date 12/10/04

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS INTERSECTION IMPROVEMENTS  
Total Value of Construction \$82,000.00

Tax Map Number 0620000000020  
Property Street 00000 WHITTAMORE ROAD Suite Zip

Contractor Number 5220 Type of Contractor O  
Licence Number City 0000000 State  
Name CPM VIRGINIA LLC C/O  
2nd Name NEIL WALLACE, AGENT  
Address P O BOX 6902  
City WILLIAMSBURG State VA Zip 23188 Phone 784-0050

Permission is hereby granted the permittee, insofar as the City of Chesapeake  
has the right and power to grant same, to perform the above described work at  
the location specified in accordance with City Standards.

The work shall be carried out in accordance with Chapter 66 of the Chesapeake  
City Code, entitled "Streets and Sidewalks," and PERMIT STANDARD PROVISIONS.  
Said work shall be completed in a manner satisfactory to the Department of  
Public Works within 180 days from the date of this permit and if not so  
completed the Department of Public Works may, in its discretion, complete  
the work at the expense of the applicant. The City of Chesapeake reserves full  
municipal control over the subject of this permit.

Receipt is acknowledged of \$320.00 which covers fees for inspection.

Processed by DAVE

\_\_\_\_\_  
PW signature date

Permittee further agrees to notify the Department of Public Works when the  
work herein referred to begins and when completed and to maintain said work  
thereafter in a manner approved.

Signature Permittee:\_\_\_\_\_

Permit is not valid without customer and Public Works signatures, exact fee  
and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

Permit Number N 0401971 00  
Project AC Number 014082 00

Permit Date 12/10/04  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS INTERSECTION IMPROVEMENTS

Location of Work 00000 WHITTAMORE ROAD

Contractor Number 5220

Name CPM VIRGINIA LLC

P O BOX 6902

City WILLIAMSBURG

State VA Zip 23188

Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$82,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 08

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

### Section I Land Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Work: \_\_\_\_\_

Description of Land Disturbing Activity: \_\_\_\_\_

### Section II Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

\_\_\_\_\_  
Signature of Land Owner

\_\_\_\_\_  
Date

### Section III Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of RLD

\_\_\_\_\_  
Cert #  
Or Seal

# PERMIT BOND

Bond No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we \_\_\_\_\_  
Principal, and \_\_\_\_\_, a corporation duly  
incorporated under the laws of the State of \_\_\_\_\_, Surety, are held and firmly bound unto the  
City of Chesapeake in the full and just sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_); current  
money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each  
of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,  
sealed, with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_\_.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOW, THEREFORE, The condition of this obligation is such that if the said principal, \_\_\_\_\_  
shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as  
set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against  
and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and  
drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or  
permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day  
and year first above written.

\_\_\_\_\_  
(Principal)

By \_\_\_\_\_ (Seal)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Surety)

By \_\_\_\_\_ (Seal)  
(Attorney-in-Fact)

Approved as to form

\_\_\_\_\_  
Assistant City Attorney  
CG-24,027/Revised April, 2000  
Previous editions are obsolete

## ACKNOWLEDGMENT OF PRINCIPAL

STATE OF \_\_\_\_\_, to-wit:  
\_\_\_\_\_ of \_\_\_\_\_, to-wit:  
I, \_\_\_\_\_ a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ President of \_\_\_\_\_

Address: \_\_\_\_\_  
whose name is signed to the above bond, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
personally appeared before me in my \_\_\_\_\_ aforesaid, and acknowledged the same.  
I further certify that my term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

## AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF \_\_\_\_\_, to-wit:  
\_\_\_\_\_ of \_\_\_\_\_, to-wit:  
I, \_\_\_\_\_ a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ personally appeared before me in  
my \_\_\_\_\_ aforesaid and made oath that he/she is  
\_\_\_\_\_ of the \_\_\_\_\_

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
\_\_\_\_\_, and recorded in the Clerk's Office of the \_\_\_\_\_

of \_\_\_\_\_, in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is  
\$ \_\_\_\_\_ that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires \_\_\_\_\_, 20\_\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**PERMIT BOND**

Bond No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we \_\_\_\_\_  
Principal, and \_\_\_\_\_, a corporation duly  
incorporated under the laws of the State of \_\_\_\_\_, Surety, are held and firmly bound unto the  
City of Chesapeake in the full and just sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), current  
money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each  
of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,  
sealed, with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_\_.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOW, THEREFORE, The condition of this obligation is such that if the said principal, \_\_\_\_\_  
shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as  
set forth in the City Code in effect at time of issuing permit and shall indemnify and save harmless the City of Chesapeake against  
and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutters, culverts and  
drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or  
permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day  
and year first above written.

\_\_\_\_\_  
(Principal)

By \_\_\_\_\_ (Seal)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Approved as to form  
\_\_\_\_\_  
(Surety)

By \_\_\_\_\_ (Seal)  
(Attorney-in-Fact)

\_\_\_\_\_  
Assistant City Attorney  
\_\_\_\_\_  
CG-24,027/Revised April, 2000  
Previous editions are obsolete

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF \_\_\_\_\_, to-wit:  
\_\_\_\_\_ of \_\_\_\_\_, a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ President of \_\_\_\_\_

Address: \_\_\_\_\_  
whose name is signed to the above bond, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
personally appeared before me in my \_\_\_\_\_ aforesaid, and acknowledged the same.  
I further certify that my term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF \_\_\_\_\_, to-wit:  
\_\_\_\_\_ of \_\_\_\_\_, a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ personally appeared before me in  
my \_\_\_\_\_ aforesaid and made oath that he/she is  
\_\_\_\_\_ of the \_\_\_\_\_

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
\_\_\_\_\_, and recorded in the Clerk's Office of the \_\_\_\_\_

of \_\_\_\_\_, in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is  
\$ \_\_\_\_\_ that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said  
company is solvent and fully able to meet promptly all its obligations, and the said  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires \_\_\_\_\_, 20\_\_\_\_\_.  
Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

## FAX COVER SHEET

|                                   |   |
|-----------------------------------|---|
| TO:<br>NEIL WALLACE               | FROM:<br>DAVE DOMBRASKI                                 |
| Company Name:<br>CPM VIRGINIA LLC | Date:<br>12/10/04                                       |
| Office Location:                  | Division/Office Location:<br>PUBLIC WORKS - ENGINEERING |
| Fax Number:<br>757 645 3755       | Phone Number:<br>757 382-6304                           |

SUBJECT: ETHERIDGE GREENS, ACCT 01408200

Urgent    
  Reply ASAP    
  Please Comment    
  Please Review    
  For Your Information  
 As Requested    
 As Discussed

Total pages, including cover: 13

COMMENTS: NEIL,  
 GIVE ME A CALL IF YOU NEED  
 SOME HELP.

①

Original will be sent via US Mail  
 Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

**\*\* Transmit Conf. Report \*\***

P.1

Dec 10 2004 15:45

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
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**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>NEIL WALLACE               | <b>FROM:</b><br>DAVE DOMBRASKI                                 |
| <b>Company Name:</b><br>CPM VIRGINIA LLC | <b>Date:</b><br>12/10/04                                       |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>757 645 3755       | <b>Phone Number:</b><br>757 382-6304                           |

**SUBJECT:** Etheridge GREENS, Act 01408200

- Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information  
 As Requested   
 As Discussed

Total pages, including cover: 13

**COMMENTS:** NEIL,  
 Give me a call if you need  
 some help. 2245

**From:** Dave Dombroski  
**To:** bdebar@cox.net  
**Date:** 8/26/04 11:22AM  
**Subject:** Etheridge Green

Bob,

Give me a call so we can discuss restoration of Whittamore Road. Your commitment was to complete one third by 6/30, the second third by 7/30 and the final third by 8/30. To date approximately one third of the repairs have been completed.

David G. Dombroski, Permits Engineer  
City of Chesapeake  
Department of Public Works  
PO Box 15225  
Chesapeake, VA 23328  
Phone (757) 382-6304  
Fax (757) 382-6310 or 8537  
email dombroski@mail.city.chesapeake.va.us

## Dave Dombroski - Delivery Status Notification (Failure)

---

**From:** <postmaster@mail-gw.idax.com>  
**To:** <dombroski@pw.city.chesapeake.va.us>  
**Date:** 8/26/2004 11:23 AM  
**Subject:** Delivery Status Notification (Failure)

---

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed.

bdebar@cox.net

**From:** Dave Dombroski  
**To:** bdebar@cox.net  
**Date:** 6/17/04 11:47AM  
**Subject:** Etheridge Greens, AC#01408200

Bob,

We accept your proposed repair schedule for Whitamore Road, with the provision that should the road become unsafe, in the sole opinion of the Department of Public Works, all hauling will be stopped until the repairs have been completed. Also, make sure all work is coordinated with the Fire Station.

David G. Dombroski, Permits Engineer  
City of Chesapeake  
Department of Public Works  
PO Box 15225  
Chesapeake, VA 23328  
Phone (757) 382-6304  
Fax (757) 382-6310 or 8537  
email dombroski@mail.city.chesapeake.va.us

**CC:** Karen Harrell

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

June 14, 2004

Combustion Products Management, Inc.  
Mr. Bob DiBerardinis  
1229 Kingbury Drive  
Chesapeake, VA 23322

**RE: Etheridge Greens – AC #014082 00**

Dear Mr. DiBerardinis:

Reference is made to your letter of June 11, 2004. We agree to allow you until mid-June to obtain quotes from the contractors. Also, we understand that this is a busy time of year for the development community. However, as our greatest concern is public safety, we are certain that you will understand that should Whittamore Road deteriorate to the point it adversely affects public safety, in the sole opinion of the Department of Public Works, all hauling operations shall be immediately halted until road repairs are completed.

If I can be of further assistance regarding this matter, please call me at (757) 382-6304.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: Eric J. Martin, P.E., City Engineer  
J.B. Tate, P.E., Assistant City Engineer

Neil Wallace  
Combustion Products Management, Inc.  
1769 Jamestown Road, Suite 106  
Williamsburg, VA 23185

Dave Bristow  
Dominion Virginia Power  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309

Combustion Products Management, Inc.  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax



June 11, 2004

City of Chesapeake  
Mr. Dave Dombroski  
Permits Engineer  
Department of Public Works  
P.O. Box 15225  
Chesapeake, VA 23328

Dear Dave,

We have received quotes for the repair of Whittamore Road and will be utilizing the services of C&M Contracting to complete this work. Due to the high cost of the construction, CPM would request that the road be separated into three phases. The first phase would repair the items most desperate for repair representing approximately one-third of the total repairs. This work would be completed by June 30, 2004. The second phase would repair another third of the road to be completed by July 30, 2004. The final phase would be completed by August 30, 2004. Please let me know if this is acceptable, either by mail, e-mail ([bdebar@cox.net](mailto:bdebar@cox.net)), or by telephone (757.560.4204). We are trying diligently to rectify this issue and with your help we can finally put this issue behind us.

I appreciate your help in this matter,

Sincerely,

Bob DiBerardinis  
Combustion Products Management, Inc.

Cc: Neil Wallace  
Combustion Products Management, Inc.  
1769 Jamestown Road, Suite 106  
Williamsburg, VA 23185

Dave Bristow  
Dominion / Virginia Power  
5000 Dominion Blvd  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion / Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309

**Combustion Products Management, Inc.**  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax



June 11, 2004

City of Chesapeake  
Mr. Dave Dombroski  
Permits Engineer  
Department of Public Works  
P.O. Box 15225  
Chesapeake, VA 23328

Dear Mr. Dombroski,

We are in receipt of your letter dated May 26, 2004 and are in agreement will all but one point. It was my recollection and the recollection of Dave Bristow and Max Batholomew that CPM was to have until mid-June to obtain quotations from contractors. As you know, due to busy schedules we are at the mercy of contractors. We have obtained quotes from C&M Contracting, Contractors Paving, and are still awaiting a quote from VICO Construction which has been promised today or tomorrow.

We would ask again that we be allow to continue our operation until one of these contractors can be chosen in a fiscally responsible manner and they are given proper time to fit the project into there busy schedules.

I would appreciate any consideration,

Thank you,

Bob DiBerardinis  
Combustion Products Management, Inc.

Cc: Neil Wallace  
Combustion Products Management, Inc.  
1769 Jamestown Road, Suite 106  
Williamsburg, VA 23185

Dave Bristow  
Dominion / Virginia Power  
5000 Dominion Blvd  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion / Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309

267

# Certificate of Insurance

The Company indicated below certifies that the insurance afforded by the policy or policies numbered and described below is in force as of the effective date of this certificate. This Certificate of Insurance does not amend, extend, or otherwise alter the Terms and Conditions of Insurance coverage contained in any policy or policies numbered and described below.

**Certificate Holder's Name and Address:**  
**City of Chesapeake Department of Public Works**  
**PO Box 15225**  
**Chesapeake, VA 23328**

**Insured's Name and Address:**  
**Atlantic ChemDry**  
**360 Cleveland Pl**  
**Virginia Beach, VA 23462**

| TYPE OF INSURANCE  | POLICY NUMBER AND ISSUING COMPANY                     | POLICY EFFECTIVE DATE | POLICY EXPIRATION DATE | LIMITS OF LIABILITY (*Limits At Inception)  |
|--|---|-----------------------|------------------------|---|
| <input type="checkbox"/> GENERAL LIABILITY<br><input type="checkbox"/> Premises-Operations<br><input type="checkbox"/> Products-Completed Operations<br><br><input type="checkbox"/> Personal & Advertising Injury<br><input type="checkbox"/> Medical Expense<br><input type="checkbox"/> Fire Damage Legal<br><input type="checkbox"/> Other Liability<br><br><input type="checkbox"/> GARAGE LIABILITY-PREMISES |   |                       |                        | General Agg<br><br>Each Occ<br>Prod/Comp Ops<br><br>Any One Person<br>Any Person<br>Any One Fire  |
| <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY #<br><input checked="" type="checkbox"/> BUSINESS AUTO<br><input type="checkbox"/> GARAGE<br><input checked="" type="checkbox"/> Owned<br><input checked="" type="checkbox"/> Hired<br><input type="checkbox"/> Non-Owned<br><br># Fill in Either Combined<br>Single Limits or Split Limits   | 53BA 135599<br>Nationwide Mutual<br>Insurance Company | 05/08/04              | 05/08/05               | Bodily Injury<br>(Each Person)<br>(Each Accident)<br>Property Damage<br>(Each Accident)<br>Combined Single<br>Limit            \$1,000,000  |
| <b>EXCESS LIABILITY</b><br><br><input type="checkbox"/> Umbrella Form  |   |                       |                        | Each Occurrence<br>Aggregate*   |
| <input checked="" type="checkbox"/> Workers' Compensation<br><br>and<br><br><input checked="" type="checkbox"/> Employers' Liability   | TWC 03011776<br>Technology Ins. Company               | 05/12/04              | 05/12/05               | <b>STATUTORY LIMITS</b><br><br>Bodily Injury      Each Accident<br>\$100,000<br><hr/> Bodily Injury      Each Employee<br>\$100,000<br><hr/> Bodily Injury      Policy Limit<br>by Disease            \$500,000 |
| Description-   |   |                       |                        |   |

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days notice to the certificate holder named above.

5/17/04  
 Date Certificate Issued  
 Cas. 3640-A (9-89)

*Michelle Jones*  
 Countersigned at:

**2252**

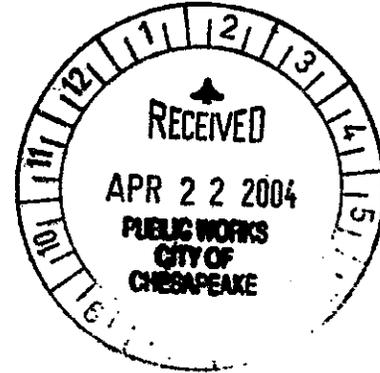


**ENGINEERING CONSULTING SERVICES, LTD.**  
 Geotechnical • Construction Materials • Environmental



December 22, 2003

Ms. Lynn Sears  
 CPM Virginia, LLC  
 1541 Alta Drive  
 Whitehall, Pennsylvania 18052



Reference: Centerville Turnpike Pavement Cores  
 Centerville Turnpike and Whittamore Road  
 Chesapeake, Virginia

ECS Project No. 04:6585

Dear Ms. Sears:

On December 21, 2003, coring was performed within the existing pavement of Centerville Turnpike near its intersection with Whittamore Road, in the City of Chesapeake, Virginia. We performed the cores at the approximate locations shown on the Pavement Core Plan prepared by Hassell & Folkes dated Sept., 2003. Ten 4-inch diameter cores were performed within the right-of-way of Centerville Turnpike. Four cores were performed in the north-bound lane and six cores were performed in the south-bound lane. Eight of the cores (C-2 through C-9) were performed within the recently completed limits of the Centerville Turnpike and Whittamore Road Improvements for the Etheridge Greens development. One core (C-1) was performed in the roadway north of the improvement limits and another core (C-10) was performed in the roadway south of the improvement limits. A location plan showing the approximate core locations and the core numbering system is included in Enclosure 1.

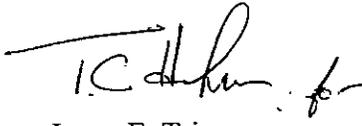
Diamond Equipment Contracting Corporation performed the cores utilizing a 4-inch core bit and an electric coring machine. The asphalt pavement depths recorded at the core locations varied from 3 to 11 inches. Underlying the asphalt, we encountered aggregate base course material that was noted to vary from 4 inches to 6-¾ inches in thickness. Typically the base course aggregate appeared to be a dense graded crushed stone similar to VDOT 21B stone. However, at a couple of the core holes, we observed the presence of much larger-sized aggregate similar to VDOT No. 1 stone mixed in with dense graded aggregate. Our pavement core observations are summarized in the following table.

| Core # | Lane       | Asphalt Thickness (inches) | Aggregate Base Course Thickness (inches) |
|--------|------------|----------------------------|--|
| C-1    | Southbound | 5-1/2                      | 6-3/4                                    |
| C-2    | Southbound | 3                          | 6  |
| C-3    | Northbound | 4                          | 6  |
| C-4    | Southbound | 4-1/2                      | 6  |
| C-5    | Southbound | 11                         | 6  |
| C-6    | Southbound | 8                          | 6  |
| C-7    | Northbound | 10                         | 5  |
| C-8    | Southbound | 5                          | 8  |
| C-9    | Northbound | 11                         | 4  |
| C-10   | Northbound | 10                         | 4  |

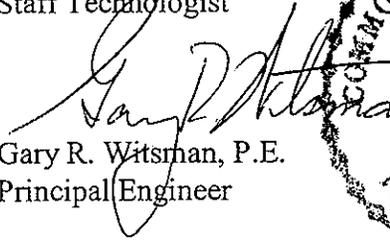
We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

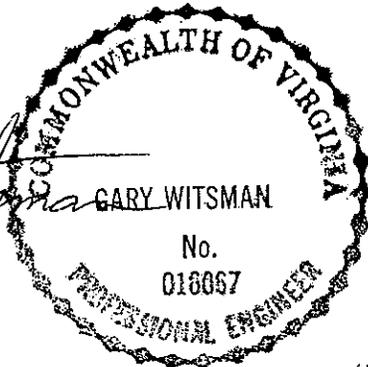
ENGINEERING CONSULTING SERVICES, LTD.



Jason E. Trimyer  
 Staff Technologist



Gary R. Witsman, P.E.  
 Principal Engineer



- Copies: (2) CPM Virginia, LLC (Ms. Lynn Sears)
- (2) Combustion Project Management (Mr. Robert DeBerardinis)
- (1) Hassell & Folkes, P.C. (Mr. Wymer Manning III, P.E.)



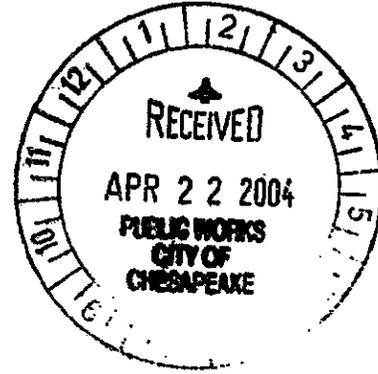


**ENGINEERING CONSULTING SERVICES, LTD.**  
 Geotechnical • Construction Materials • Environmental



December 22, 2003

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 CPM Virginia, LLC  
 1541 Alta Drive  
 Whitehall, Pennsylvania 18052



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 Centerville Turnpike and Whittamore Road  
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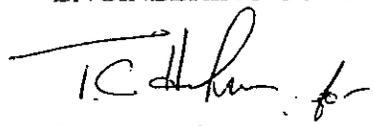
Diamond Equipment Contracting Corporation performed the cores utilizing a 4-inch core bit and an electric coring machine. The asphalt pavement depths recorded at the core locations varied from 3 to 11 inches. Underlying the asphalt, we encountered aggregate base course material that was noted to vary from 4 inches to 6-¾ inches in thickness. Typically the base course aggregate appeared to be a dense graded crushed stone similar to VDOT 21B stone. However, at a couple of the core holes, we observed the presence of much larger-sized aggregate similar to VDOT No. 1 stone mixed in with dense graded aggregate. Our pavement core observations are summarized in the following table.

| Core # | Lane       | Asphalt Thickness (inches) | Aggregate Base Course Thickness (inches) |
|--------|------------|----------------------------|--|
| C-1    | Southbound | 5-½                        | 6-¾                                      |
| C-2    | Southbound | 3                          | 6  |
| C-3    | Northbound | 4                          | 6  |
| C-4    | Southbound | 4-½                        | 6  |
| C-5    | Southbound | 11                         | 6  |
| C-6    | Southbound | 8                          | 6  |
| C-7    | Northbound | 10                         | 5  |
| C-8    | Southbound | 5                          | 8  |
| C-9    | Northbound | 11                         | 4  |
| C-10   | Northbound | 10                         | 4  |

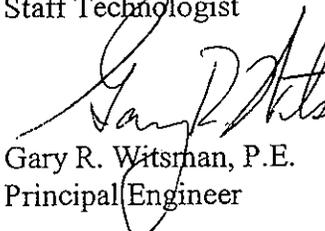
We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

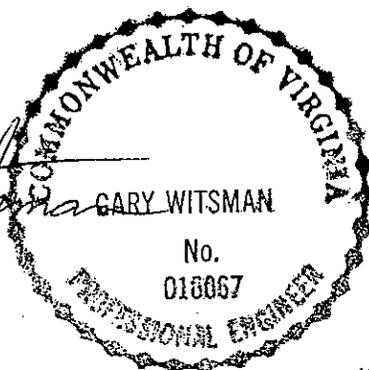
ENGINEERING CONSULTING SERVICES, LTD.



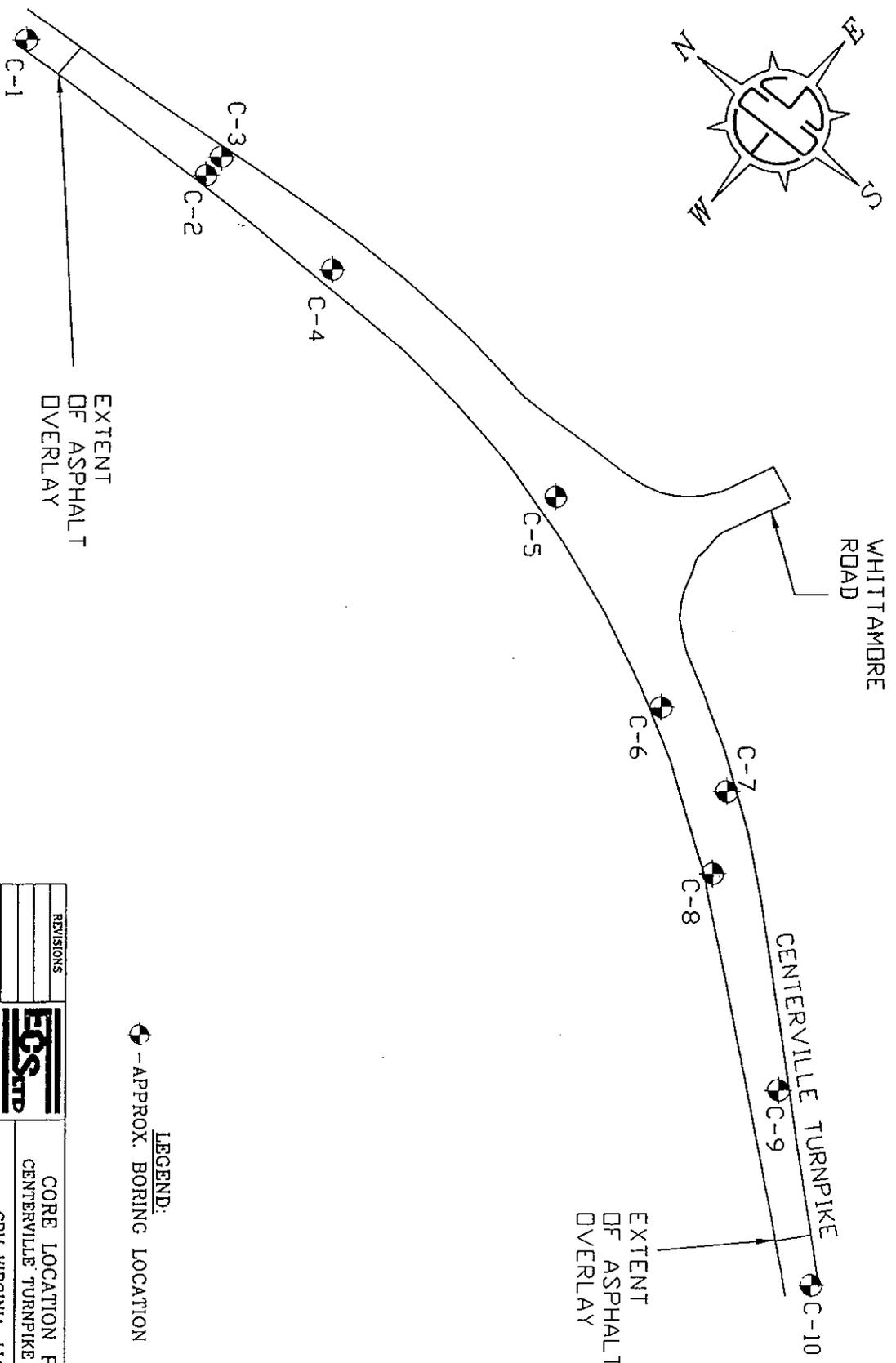
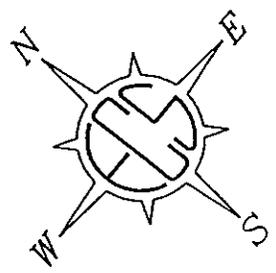
Jason E. Trimyer  
 Staff Technologist



Gary R. Witsman, P.E.  
 Principal Engineer



- Copies: (2) CPM Virginia, LLC (Ms. Lynn Sears)  
 (2) Combustion Project Management (Mr. Robert DeBerardinis)  
 (1) Hassell & Folkes, P.C. (Mr. Wymer Manning III, P.E.)



- APPROX. BORING LOCATION

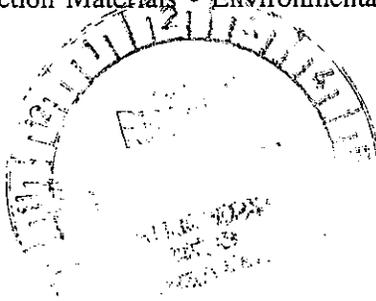
EXTENT  
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EXTENT  
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|  |     |          |         |         |
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|  |     |          |         |         |
| CORE LOCATION PLAN<br>CENTERVILLE TURNPIKE CORES |     |          |         |         |
| CPM VIRGINIA, LLC                                |     |          |         |         |
| JEI  | CRW | 12-22-03 | 1"=100' | 04:5585 |
| REVISIONS  |     |          |         | 1 OF 1  |
| ENGINEERING<br>CONSULTING<br>SERVICES LTD        |     |          |         |         |

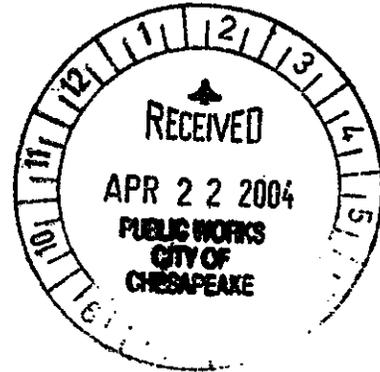


**ENGINEERING CONSULTING SERVICES, LTD.**  
 Geotechnical • Construction Materials • Environmental



December 22, 2003

Ms. Lynn Sears  
 CPM Virginia, LLC  
 1541 Alta Drive  
 Whitehall, Pennsylvania 18052



Reference: Centerville Turnpike Pavement Cores  
 Centerville Turnpike and Whittamore Road  
 Chesapeake, Virginia

ECS Project No. 04:6585

Dear Ms. Sears:

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Diamond Equipment Contracting Corporation performed the cores utilizing a 4-inch core bit and an electric coring machine. The asphalt pavement depths recorded at the core locations varied from 3 to 11 inches. Underlying the asphalt, we encountered aggregate base course material that was noted to vary from 4 inches to 6-¾ inches in thickness. Typically the base course aggregate appeared to be a dense graded crushed stone similar to VDOT 21B stone. However, at a couple of the core holes, we observed the presence of much larger-sized aggregate similar to VDOT No. 1 stone mixed in with dense graded aggregate. Our pavement core observations are summarized in the following table.

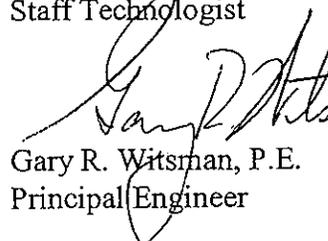
| Core # | Lane       | Asphalt Thickness (inches) | Aggregate Base Course Thickness (inches) |
|--------|------------|----------------------------|--|
| C-1    | Southbound | 5-½                        | 6-¾                                      |
| C-2    | Southbound | 3                          | 6  |
| C-3    | Northbound | 4                          | 6  |
| C-4    | Southbound | 4-½                        | 6  |
| C-5    | Southbound | 11                         | 6  |
| C-6    | Southbound | 8                          | 6  |
| C-7    | Northbound | 10                         | 5  |
| C-8    | Southbound | 5                          | 8  |
| C-9    | Northbound | 11                         | 4  |
| C-10   | Northbound | 10                         | 4  |

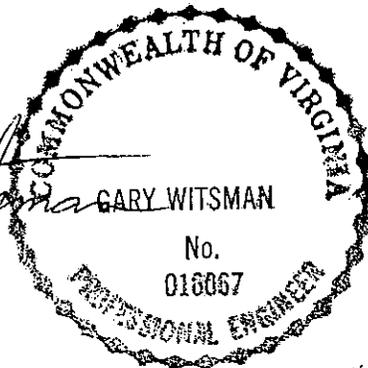
We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

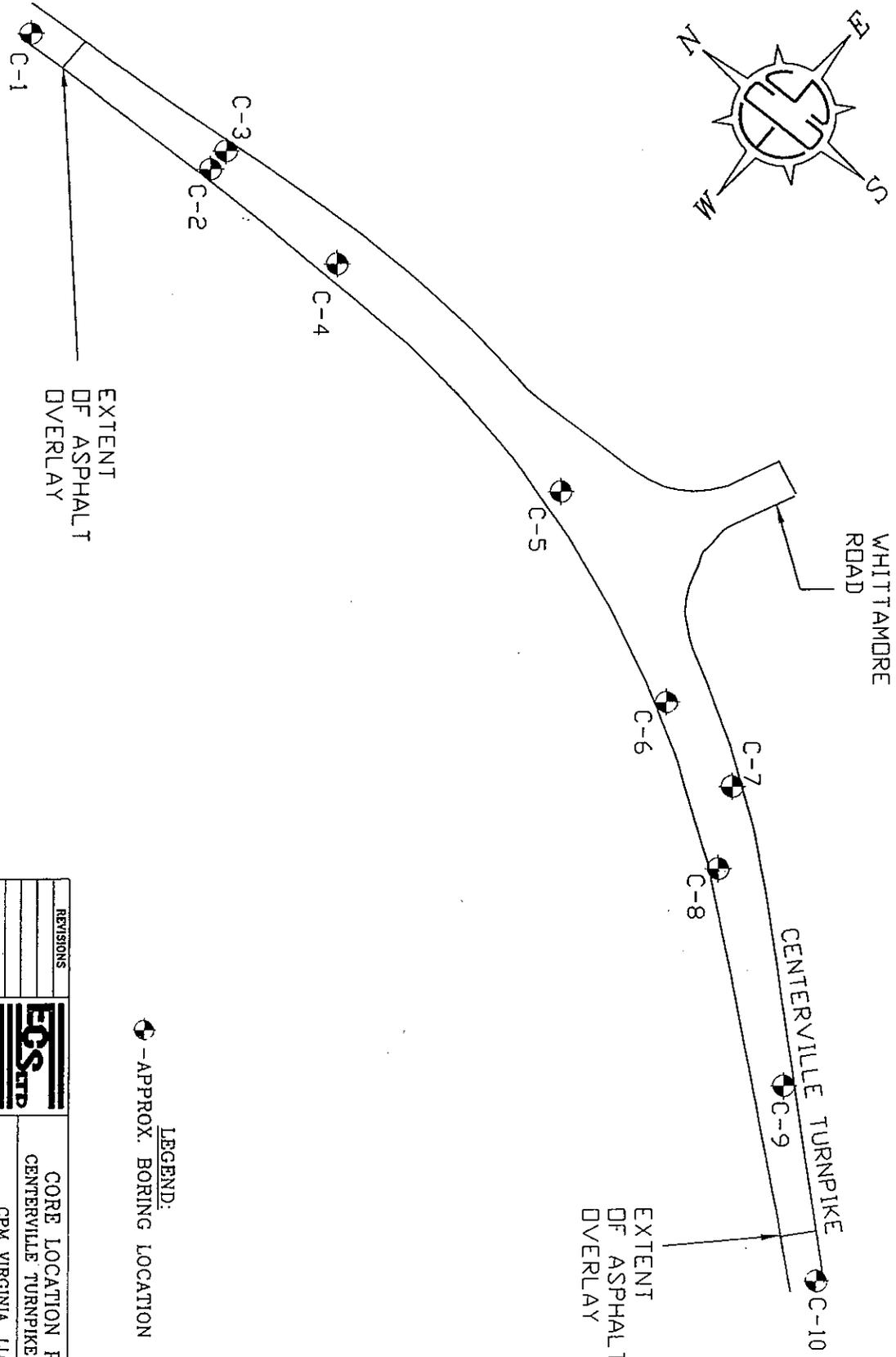
ENGINEERING CONSULTING SERVICES, LTD.

  
Jason E. Trimyer  
Staff Technologist

  
Gary R. Witsman, P.E.  
Principal Engineer



- Copies: (2) CPM Virginia, LLC (Ms. Lynn Sears)  
(2) Combustion Project Management (Mr. Robert DeBerardinis)  
(1) Hassell & Folkes, P.C. (Mr. Wymer Manning III, P.E.)



LEGEND:  
 -APPROX. BORING LOCATION

| REVISIONS |  |  |  |  |
|-----------|--|--|--|--|
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|   |     |          |         |         |
|---|-----|----------|---------|---------|
| <br>ENGINEERING<br>SURVEYING<br>SERVICES LTD |     |          |         |         |
| CORE LOCATION PLAN<br>CENTERVILLE TURNPIKE CORES  |     |          |         |         |
| CPM VIRGINIA, LLC   |     |          |         |         |
| JET   | CRW | 12-22-03 | 1"=100' | 04:6585 |
|   |     |          |         | 1 OF 1  |

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

April 27, 2004

Combustion Products Management, Inc.  
Mr. Robert S. Diberandinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: *Etheridge Greens – AC #014082 00***

Dear Mr. Diberandinis:

On April 22, 2004, we received results of the core samples taken December 21, 2003 on Centerville Turnpike near Whitamore Road. Per my letter of December 10, 2003, discovery of core samples having a pavement section less than the existing pavement section will necessitate corrective work in those areas. Analysis of the core samples indicate that C-2, C-3 and C-4 do not meet the existing section.

It is required that the north and southbound lanes of Centerville Turnpike from the northern limits of construction to 50' south of the C-4 core location be reconstructed to meet or exceed the design pavement section or equivalent.

All reconstruction shall be in accordance with all PFM requirements including, but not limited to, cross slopes. Repair methods and traffic control shall be approved by this department prior to commencement of the corrective work.

Please note that the plan revision for the northeast quadrant of the Whitamore Road / Centerville Turnpike intersection, which was returned to your consultant with comments on January 28, 2004, has not been resubmitted. It is required that the revision be resubmitted and that all review comments be addressed.

Finally, the condition of Whitamore Road has deteriorated due to the excessive truck traffic entering and leaving the site. All damaged areas of Whitamore Road must be repaired.

Please be advised that the reconstruction of Centerville Turnpike, the resubmittal of the plan revision and the repair of Whitamore Road must be complete no later than May 28, 2004.

Combustion Products Management, Inc.  
*RE: Etheridge Greens - AC #014082 00*  
April 27, 2004, page 2

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: J.B. Tate, P.E., Assistant City Engineer

S. Grey Folkes, Jr., P.E.  
325 Volvo Parkway  
Chesapeake, VA 23320

Inner-View, LTD  
Mr. W. Lewis Witt  
1140 Kempsville Road  
Chesapeake, VA 23320

April 27, 2004

Combustion Products Management, Inc.  
Mr. Robert S. Diberandinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

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It is required that the north and southbound lanes of Centerville Turnpike from the northern limits of construction to 50' south of the C-4 core location be reconstructed to meet or exceed the design pavement section or equivalent.

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Combustion Products Management, Inc.  
**RE:** *Etheridge Greens - AC #014082 00*  
April 27, 2004, page 2

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: J.B. Tate, P.E., Assistant City Engineer

S. Grey Folkes, Jr., P.E.  
325 Volvo Parkway  
Chesapeake, VA 23320

Inner-View, LTD  
Mr. W. Lewis Witt  
1140 Kempsville Road  
Chesapeake, VA 23320

May 26, 2004

Combustion Products Management, Inc.  
Mr. Robert S. DiBerardinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: Etheridge Greens – AC #014082 00**

Dear Mr. DiBerardinis:

Thank you for our meeting of May 25, 2004 wherein we discussed my letter of April 27, 2004 and your response of May 6, 2004. I feel that we have reached an equitable agreement regarding the resolution of the three items discussed in those letters: repair of the Whitmore Road pavement, restoration of the Centerville Turnpike pavement section and installation of pipe to restore the shoulder width at the northeast quadrant of the Whitmore Road/Centerville Turnpike intersection.

It was agreed that the damaged areas on Whitmore Road will be repaired by mid June. Those areas will be marked by our inspection staff Thursday May 27, 2004 at 9:00 am. The damaged areas shall be excavated to a depth of 10" and replaced with 10" of BM-2 installed in three lifts. Prior to the placement of the asphalt the sub-base shall be inspected and any unsuitable material discovered shall be undercut and backfilled with compacted select material. It is the contractor's responsibility to notify the inspector 48 hours prior to commencing the repair work. A seal coat shall be applied to the BM-2 after placement.

The north and southbound lanes of Centerville Turnpike shall be reconstructed from the northern limits of construction to a point 50' south of the C-4 core location (ECS, LTD cores sampled 12/21/03) to meet or exceed the design pavement section or equivalent per the approved Etheridge Greens Centerville Turnpike & Whitmore Road improvement plan. Those plans shall be revised to delineate the limits of reconstruction. It is agreed that the reconstruction of this area may be delayed until the first quarter of 2007 or until the area begins to deteriorate, whichever occurs soonest.

Public Works staff will contact the consultant to determine if efforts to obtain a drainage easement at the northeast quadrant of the Centerville Turnpike/Whitmore Road intersection have been exhausted. If it is determined the efforts have been exhausted, Public Works will directly approach the landowner to facilitate the installation of the proposed pipe. When this is achieved the plan revision showing the proposed pipe shall be approved and installation of the pipe shall proceed within 60 days of plan approval.

Combustion Products Management, Inc.  
**RE: Etheridge Greens – AC #014082 00**  
May 26, 2004, page 2

Public Works shall recalculate the right-of-way permit bond for the Centerville Turnpike and Whitamore Road improvement plan to include the proposed pipework, reconstruction of Centerville Turnpike and repair of Whitamore Road as described above and to exclude work already completed. A third party contractor shall provide surety and be issued a permit for the work described in this letter to be completed in the timeframes established in this letter and agreed to in our meeting. This permit and surety will replace those now on file from Inner-View LTD effecting their release. Please have your contractor contact this office as soon as possible so that we can provide the necessary paperwork.

We appreciate your cooperation reaching these accords and your ongoing efforts to keep Whitamore Road serviceable. Should your understanding of our agreements differ from those stated in this letter please notify me promptly.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/sew

cc: J.B. Tate, P.E., Assistant City Engineer  
Ed West, P.E., Review Engineer  
Karen W. Harrell, Construction Inspector

Inner-View, LTD  
Mr. W. Lewis W.H.  
1140 Kempsville Road  
Chesapeake, VA 23320

Hassell & Folkes  
325 Volvo Parkway  
Chesapeake, VA 23320  
Attn: Mr. Grey Folkes

May 26, 2004

Combustion Products Management, Inc.  
Mr. Robert S. DiBerardinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

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325 Volvo Parkway  
Chesapeake, VA 23320  
Attn: Mr. Grey Folkes

Combustion Products Management, Inc.  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax



May 6, 2004

City of Chesapeake  
Mr. Dave Dombroski  
Permits Engineer  
Department of Public Works  
P.O. Box 15225  
Chesapeake, VA 23328

Dear Mr. Dombroski,

We are in receipt of your letter dated April 27, 2004. In reference to this letter, Combustion Products Management Inc. would respectfully request your consideration on the following items.

CPM acknowledges that the deterioration of Whittamore Road has occurred mostly due to the excessive truck traffic generated from the golf course project. We have been working diligently in repair of the deteriorating section as is evidenced by the three sets of patches installed by both Inner View, LTD. and C&M Contracting. The last repair was completed just two weeks ago. We have every intention of completing the repairs as budgetary funds permit. CPM would, however, request a temporary alternate pavement section that is stronger yet less costly for continued repairs, acknowledging that Whittamore Road must be rebuilt from Centerville to the entrance of the golf course at the culmination of the project. I would suggest using a 10.5 inch layer of binder asphalt, eliminating the stone and the topping to increase the strength of the road. This solution would more than likely last the entirety of the project opposed to the current section.

To my knowledge, the road improvements initially made to Centerville Turnpike were constructed according to the specification of the approved plans. The lack of pavement section in the areas highlighted is also a concern to CPM. Given the fact that CPM acted according to proffer, in good faith, we would request that a more creative solution be applied. One solution would be to raise the curb and increase the pavement section to meet the standards required. It seems that this could be easily done over the approximately 270' of repair that you called for. I would also ask that this work be held to the end of the project or until some deterioration of Centerville is evidenced.

Finally, I will be in contact with Hassell and Folkes PC, to inquire as to the status of the plan revision regarding the northeast quadrant of the Whittamore Road / Centerville Turnpike intersection. As the timing of the submission is not in our control we would ask that the required date of submission be coordinated with the engineers.

## Combustion Products Management, Inc.

1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax

I appreciate your concerns regarding right of way improvements on this project and would encourage a personal meeting to discuss options and strategies. As you can imagine, the concern also extends to our friends at Dominion Energy and I would like to invite them to participate as well. I can be contacted at 757.560.4204 at any time.

Sincerely,



Robert S. DiBerardinis  
Combustion Products Management, Inc.

Cc: Neil Wallace  
Combustion Products Management, Inc.  
1769 Jamestown Road, Suite 106  
Williamsburg, VA 23185

Dave Bristow  
Dominion / Virginia Power  
5000 Dominion Blvd  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion / Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309

Combustion Products Management, Inc.  
1229 Kingsbury Drive • Chesapeake, VA 23322 • 757.546.2462 voice/fax



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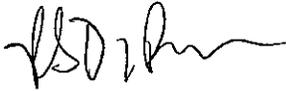
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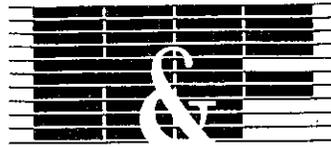


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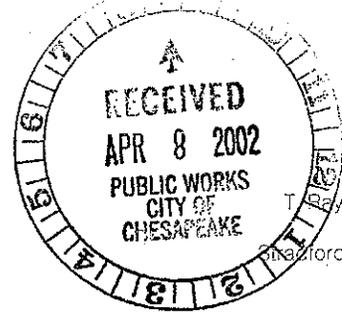
Dave Bristow  
Dominion / Virginia Power  
5000 Dominion Blvd  
Glen Allen, VA 23060

Max Bartholomew – Senior Manager External Affairs  
Dominion / Virginia Power  
4901 Princess Anne Road  
Virginia Beach, VA 23462-4309



**Hassell & Folkes, P.C.**  
*Engineers Surveyors Planners*

April 5, 2002



T. Ray Hassell III, L.S.  
(1932-1984)  
Bradford G. Folkes, P.E.  
Consultant

S. Grey Folkes, Jr., P.E.  
Leigh Anne Folkes, P.E.  
Wymer W. Manning, III, P.E.  
John A. O'Connor, P.E.  
Greg R. Deubler, P.E.  
Donald N. Jennings, P.E.  
Christopher D. Capozzi, L.S.  
James R. Bradford, C.L.A.

Mr. Dave Dombroski  
DEPARTMENT OF PUBLIC WORKS  
City of Chesapeake  
P.O. Box 15225  
Chesapeake, VA 23328

RE: **ETHERIDGE GREENS GOLF COURSE  
(CENTERVILLE TURNPIKE IMPROVEMENTS)**

Dear Mr. Dombroski:

Pursuant to our telephone conversation this morning, this letter will memorialize our agreement concerning the proposed improvements being constructed with the referenced project. As identified on the construction plans and in the field, from Station 5+50 to Station 7+80 in the south bound lane, the proposed mill and overlay operation could reduce the overall pavement section within the existing paved area. Due to contract restraints and in accordance with the use permit requirements, the road improvements must be completed prior to delivery of the golf course construction material.

In order to meet the deadline, we request that the City of Chesapeake allow the contractor to complete the mill and overlay operation as depicted on the approved construction plans, with the understanding that the contractor will return within the next ninety (90) days and replace the pavement sections within Centerville Turnpike, which are less than what the existing sections were before the mill and overlay operation was completed. I have attached a copy of the profile sections, where the rework would have to be completed and we will also complete some sample pavement cores, to insure we have sufficiently identified the areas which will be rebuilt.

We appreciate your attention in this matter and if you should have any questions please do not hesitate to call.

Very truly yours,

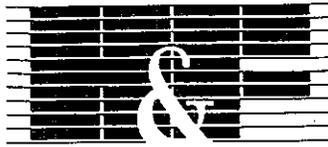
HASSELL & FOLKES, P.C.

Wymer W. Manning, III, P.E.

WWM/kb

Enclosures

cc: Mr. Robert DiBerardinis  
Mr. Lewis Witt  
Mr. Jay Tate, P.E.



**Hassell & Folkes, P.C.**  
Engineers Surveyors Planners

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WWM/kb

Enclosures

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Mr. Lewis Witt  
Mr. Jay Tate, P.E.

325 Volvo Parkway, Chesapeake, VA 23320 (757) 547-9031 • FAX (757) 547-9481

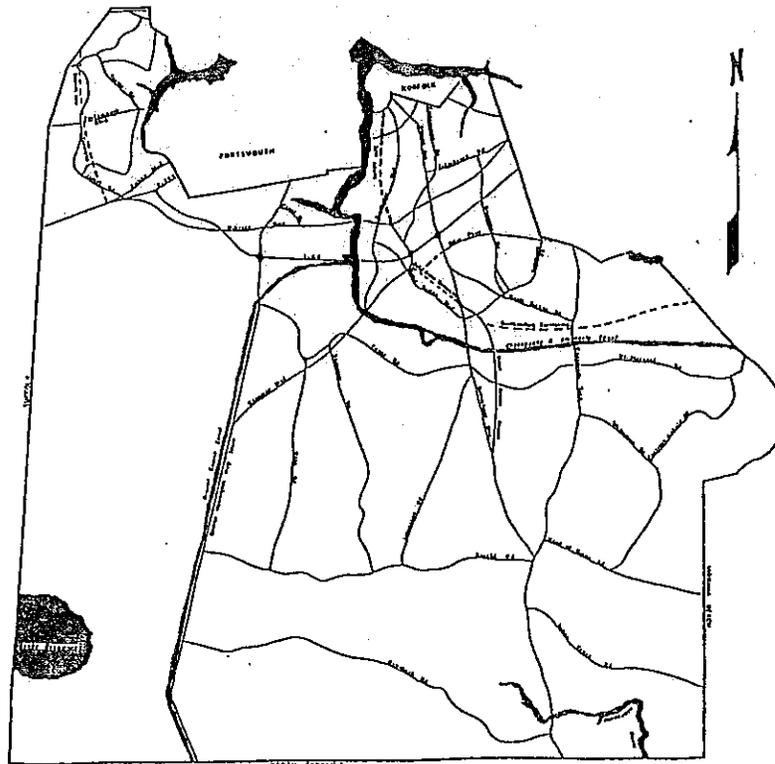
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Docket Item "G"

UP-01-03  
Etheridge Greens

CITY COUNCIL PACKAGE FOR  
JUNE 20, 2001

**Chesapeake**  
VIRGINIA



|      |         |                               |
|------|---------|-------------------------------|
| Page | 1       | Application Summary Sheet     |
|      | 3 - 7   | Planning Commission Minutes   |
|      | 9 - 29  | Staff Reports: April 30, 2001 |
|      | 31 - 44 | April 2, 2001                 |
|      | 45 - 47 | Special Power of Attorney     |
|      | 49 - 50 | Affidavit                     |
|      | 51 - 53 | Site Plan                     |
|      | 55      | Location Map                  |



**APPLICATION SUMMARY SHEET**

**UP-01-03 Etheridge Greens**

---

**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.

**PROPOSAL:** A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.

**SUBMITTED:** 02-12-01                      **Accepted:** 02-14-01

---

**STAFF RECOMMENDATION**

Approve with stipulations

---

**PLANNING COMMISSION**

**HEARING DATES:** 04-11-01, 05-09-01

**ACTION:** **APPROVED with stipulations**

**VOTE:** 9-0

---

**ATTACHMENTS**

*Minutes, Staff Reports, Special Power of Attorney, Affidavit. Site Plan, Location Map*

---



**UP-01-03**

**PROJECT:** Etheridge Greens

**APPLICANT:** Robert S. Diberardinis

**AGENCY:** Hassell & Folkes, P.C.

**PROPOSAL:** A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.

**ZONE:** A-1 Agricultural District

**SIC CODE:** 7992, 7999

**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.

**TAX MAP SECTION/PARCEL:** 0620000000020

**BOROUGH:** Butts Road

*(Continued from April 11, 2001 Public Hearing)*

**COMMISSION ACTION:**

**APPROVED** with the following stipulations: (Collins/Wilfore 9-0)

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.
5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid



GOLF  
COURSE  
217±  
ACRES

- linear effect. Landscaping shall be subject to approval by the City Arborist.
6. The applicant agrees that a 5 percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
  7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the PFM prior to the issuance of a certificate of occupancy.
  8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
  9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.
  10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).

- 
11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Health Department. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
  - 12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
  13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
  14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within AICUZ noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.
  15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced

in United States Navy AICUZ noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents.”

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Mrs. Kowalsky read UP-01-03 into the record for Commission review and action.

Staff Presentation:

Mr. Pusey stated that based on sound planning practices, Planning staff recommended **UP-01-03** be **APPROVED** with the stipulations as listed in the official agenda. Mr. Pusey corrected stipulation eleven to read “The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Health Department. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.”

Proponent:

Marion Pine Jr., 1124 Murray Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03. Mr. Pine said that although he was not pro-developer, when the owner decided he did not want to farm the property anymore, of all the proposed uses, the golf course was the best. He said that he did have three concerns regarding the property, but when he read the listed stipulations, they were covered. Mr. Pine urged the Commission to vote for approval.

James Bradford, Hassell & Folkes, P.C. 325 Volvo Parkway, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03 representing the applicant. Mr. Bradford thanked the staff and the community for the generous time they devoted toward improving the application. He said that he concurred with the listed stipulations as well as the change made by Mr. Pusey, and he was available for questions.

Robert Stephenson, 1101 Murray Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03. Mr. Stephenson said that he was 100% in favor of the application.

Lornell Holley, 3301 Andrews Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03 representing Whittamore Road Civic League. Mr. Holley said that when the project was presented to the community, they were concerned about the quality of the water, the air, the traffic, and the taxes. He said that they had several community meetings, and all those issues were addressed. Mr. Holley thanked Hassell & Folkes, P.C., the Planning staff, and Commissioners Collins and Cabarras for their help with the community on this project.

Opponent:

T.J. Carawan, 330 Hurdle Drive, Chesapeake, Virginia, appeared before the Commission in opposition to UP-01-03. Mr. Carawan said that he thought there were other residents who would be willing to till the land. He said that the new road that would have to be built would directly affect those residents that lived on Whittamore Road, and a price tag could not be put on that. He was concerned that no one would take responsibility for the problems that might arise.

Commission Discussion:

Vice-Chairman Cabarras commended Commissioner Collins for his hard work on the application. He said that this had been a win-win situation because the applicants came together with the residents, and they were on one accord. Commissioner Collins said that at the community meetings, concerns were raised in regard to the speed limit on the street and the deterioration of the property value. He said that Mr. Pusey checked on those concerns and the results were given to each of the Commissioners as well as the residents.

Commissioner Collins applauded the efforts of the communities that surrounded the site for their efforts.

Commissioner Ward said that he thought the site was appropriate for a golf course.

Commissioner Radford said that he was concerned about the reduction of the canopy of trees from 10% to 5%. He recommended Council looked into that when they were reviewing the application.

COMMISSION VOTE:

Mr. Collins moved that **UP-01-03** be **APPROVED** with the stipulations listed in the official agenda including the amended stipulation 11 and as recommended by staff. Mrs. Wilfore seconded the motion. The motion was carried by a vote of 9-0.



City of Chesapeake  
Department of Planning

**HEARING DATE:** May 9, 2001  
April 11, 2001

**TO:** CHESAPEAKE PLANNING COMMISSIONERS

**FROM:** GARY R. PUSEY, PLANNER

**THROUGH:** BRENT R. NIELSON, PLANNING DIRECTOR

**DATE:** April 30, 2001

**RE:** UP-01-03  
**PROJECT:** Etheridge Greens  
**APPLICANT:** Robert S. Diberardinis  
**AGENCY:** Hassell & Folkes, P.C.  
**PROPOSAL:** Conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.  
**ZONE:** A-1 Agricultural District  
**SIC CODE:** 7992, 7999  
**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.  
**TAX MAP SECTION/PARCEL:** 0620000000020  
**BOROUGH:** Butts Road

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of a conditional use permit to construct and operate an 18 hole golf course, a golf driving range and related facilities on a 217 acre parcel. (See Attachments A and B for the site plan.) The property is located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road in the Butts Road Borough, and is also located within the Fentress Airfield Overlay District.

This application was continued from the April 11, 2001, Public Hearing in order to allow the applicant an opportunity to address issues related to the "fly ash" that will be used in the construction of the golf course.

**BACKGROUND:**

The subject site is zoned A-1 Agricultural District. Adjacent zoning designations are as follows:

| DIRECTION | ADJACENT ZONING DESIGNATIONS                         |
|-----------|--|
| North     | A-1 Agricultural District                            |
| South     | RE-1 Residential Estate District                     |
| East      | A-1 Agricultural District, R-15 Residential District |
| West      | A-1 Agricultural District                            |

**DEPARTMENTAL COMMENTS:**

**Public Works:**

- This department will require a final construction plan.

Requirements:

- Provide a left turn lane on Centerville Turnpike.
- Reserve 45' of right-of-way along Centerville Turnpike.
- Ditch and shoulder improvements will be required along Centerville Turnpike. A corresponding right-of-way dedication may be required for these improvements.
- Address method to prevent stray golf balls from entering adjacent roadways. A stipulation should be provided to allow Public Works to direct the owner/developer to take corrective measures if Public Works determines that a hazard to motorists is created along Centerville Turnpike. See advisory comment below.

Advisory:

- The adjacent portion of Centerville Turnpike is on the "Draft Trails Plan" for a proposed Class III (with paved shoulders) bike path.
- Site plan approval for this development will be contingent upon the recordation of a plat showing the required right-of-way reservation and any required right-of-way dedication.
- Public Works feels that the layout for the course could be revised to reduce the risk of errant golf balls striking vehicles on Centerville Turnpike (keeping in mind that a six-lane divided highway will be adjacent to the course under the ultimate conditions).

**Public Utilities:**

- City water and sewer are not available to this site. City water and sewer are not required for this use permit.

**School Administration:**

- No impact.

**Parks and Recreation:**

- No impact.

**Environmental/Landscaping:**

- Buffer yard "F" required along the rights-of-way.
- A waiver to the 10% tree canopy requirement and the size of the trees at planting in the designated reforestation areas is approved.

**Fire Prevention:**

- Contingent approval. A dry hydrant drawing supply from the 14.6 acre lake is required in accordance with PFM and NFPA 1231 for water supply for fire fighting operations.

**Zoning:**

- This department will require a final construction plan.
- This site is in the Fentress Overlay District and must comply with the development standards listed in Section 12-406 et. seq. of the Chesapeake Zoning Ordinance including building setbacks. The setback for the maintenance building is 150 feet from the right-of-way reservation for Whittamore Road. This setback may be reduced to 50 feet if landscaping is approved by the City Council which screens the building from public view from the street.
- Signs must comply with Section 14-700 of the Chesapeake Zoning Ordinance.
- Handicap parking must comply with CABO/ANSI standards.
- One 12-foot x 35-foot loading space is required.
- Separate permits are required for fences, signs, and flagpoles.

UP-01-03

Page 4

**Code Enforcement:**

- This department will not require a final construction plan.

**Library:**

- No impact.

**Police:**

- This department will not require a final construction plan.

**Bikes/Trails:**

- At the Chesapeake Bicycle/Trails Advisory Committee meeting of March 26, 2001, a motion was adopted requesting a 3' paved shoulder be installed along both sides of Centerville Turnpike. Centerville Turnpike is included in the City's Trail Plan for future shoulder/bike land improvement. The recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The installation of these shoulders will enhance safety and provide easier maintenance for Centerville Turnpike.

**Department of the Navy:**

- The proposal is compatible with the Naval Air Station (NAS) Oceana and Naval Auxiliary Landing Field (NALF) Fentress, Air Installations Compatible Use Zones (AICUZ) study. The project will be impacted by frequent overflight by jet aircraft 24 hours a day at an altitude often below 800 feet. At these times, the single event noise may exceed 98 dB. The clubhouse should be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level.

**STAFF ANALYSIS:**

The applicant is requesting approval of a conditional use permit to construct and operate a golf course, a golf driving range and related facilities on a 217 acre parcel located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road. The property is also located within the Fentress Airfield Overlay District.

Improvements proposed on the site include an 18 hole golf course, driving range, clubhouse, cart storage building, maintenance building and an 83 space parking lot. According to the applicant, the golf course will be open to the public daily from 7 a.m. to dusk and will have 20 employees on the largest shift.

Departmental review raised several issues that require further discussion.

In response to comments from Public Works, the applicant has performed traffic counts along Centerville Turnpike and agrees that a left turn lane is necessary on

Centerville Turnpike. Public Works is also requiring that 45' be reserved for the right-of-way along Centerville Turnpike and that a dedication may be required to accommodate ditch and shoulder improvements that may be necessary. The applicant is in agreement with stipulations that are included requiring the left turn lane be provided and that a subdivision plat be recorded prior to final site plan approval indicating the right-of-way reservation and/or dedication for Centerville Turnpike. Public Works is also requesting that a stipulation be provided that allows the City to require that corrective measures be taken in the event that errant golf balls prove to be a hazard to motorists along Centerville Turnpike. Public Works notes that this roadway is planned to be a six-lane divided highway at its ultimate development. The applicant has incorporated a 150 foot "fairway safety buffer" along Centerville Turnpike that is based on standards developed by the golfing industry for roadway separation, according to the applicant's agent. While the applicant is confident that this buffer, in combination with the 10 foot high landscaped berm, will provide adequate safety for motorists on Centerville Turnpike, the applicant has agreed to a stipulation that additional corrective measures will be implemented in the future, if required by the Department of Public Works. In addition, in response to concerns from Planning Commissioners and residents of the area, the applicant has agreed to expand this stipulation so that it applies to Whittamore Road as well. Also in response to residents' concerns, the applicant has agreed to increase the pavement width of Whittamore Road to 24 feet from the entrance of the golf course to the intersection of Whittamore Road and Centerville Turnpike. This is included as a stipulation as well.

The City Arborist has noted that the Code requires a buffer yard "F" along both Centerville Turnpike and Whittamore Road. In addition, the Code requires that a 10 percent tree canopy be provided. The applicant has agreed to provide the required buffer yard "F" along both streets, and has further offered to vary its width beyond what the Code requires in order to provide a more natural appearance. A stipulation is included addressing the buffer. A minor landscaping waiver has been approved by the City Arborist and the Planning Director to allow the tree canopy to be reduced from the required 10 percent to 5 percent, and to allow some of the trees to be smaller in size than required by the Code. The waiver was based on the characteristics of the use; i.e., the golf course is a recreational use with large amounts of green space, and the nature of a "links-style" course is that the course is designed to be open, with limited wooded areas. As part of the tree canopy requirement, the applicant is proposing a forested area along the eastern boundary of the property that will be designated a "tree preserve" and will provide a buffer for adjoining properties. It is in this area that a waiver was approved to allow smaller trees than required by the Code. All other trees to be planted on the site will meet Code requirements. A stipulation addressing the tree canopy requirement is included.

The Fire Department has noted that a dry hydrant drawing water from the proposed lake is required in accordance with the Public Facilities Manual since City water is not available. A stipulation addressing this requirement is included.

Zoning has noted that the Fentress Airfield Overlay District regulations require a 150 foot setback for buildings from a public street. This setback can be reduced to 50 feet, if landscaping approved by the City Council is provided which screens the building from public view from the street. The maintenance building is shown as being approximately 35 feet from the proposed right-of-way along Whittamore Road. The applicant indicates the 50 foot setback can be accommodated and is proposing landscaping that will screen the building from view from Whittamore Road. A stipulation addressing this is included. Zoning has also noted that a loading space is required. A stipulation requiring this is included as well.

The Bicycle/Trails Advisory Committee has requested that a 3 foot, paved shoulder be installed along both sides of Centerville Turnpike. The City's Trails Plan designates Centerville Turnpike as a Class III (with paved shoulders) bike path. The applicant has requested that the provision of bike trails not be required, since there are no trails north or south of the proposed project on Centerville Turnpike and the project will not generate the need for this improvement. As noted by the Advisory Committee, the recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The applicant is in agreement with the staff's recommendation that a subdivision plat be submitted prior to final site plan approval that would provide for the reservation for the future right-of-way of Centerville Turnpike and for a dedication, if determined to be necessary by Public Works, for ditch and shoulder improvements. Under this scenario, the applicant would not be responsible for constructing the bike path but the land would be available for this use.

Finally, the Department of the Navy was provided with the application and site plan for this proposed development since the project lies within the Fentress Airfield Overlay District. The Navy found that the proposed use is compatible with the AICUZ study, but recommended that the clubhouse be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level. These items are provided for the applicant's information. The original site plan for this development indicated the clubhouse would be located within the APZ-2 area. The revised site plan locates the clubhouse closer to Centerville Turnpike and, as currently proposed, is outside of the APZ-2 area. Stipulations are included addressing Zoning Ordinance requirements for properties located in the Fentress Overlay District (see stipulations #14 and #15).

Section 17-106.A of the Chesapeake Zoning Ordinance requires Conditional Use Permit applications to meet the following standards:

1. **STANDARD:** The proposal, as submitted or as modified, is in conformity with the Comprehensive Plan, including specific applicable elements of the Plan, and with official policies adopted in relation to the plan, including the purposes of this ordinance.

**FINDING:** The Land Use Plan designates this site for Countryside/Large Lot Residential use. This designation is intended for low density residential development which serves as a buffer between the city's agricultural sector

and the more dense and developed areas of the city. Although a golf course is not a residential use, its low intensity nature with the preservation of extensive open space is compatible with the intent of the Countryside land use designation. In addition, the proposal is consistent with objectives of the Land Use element of the Comprehensive Plan that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** The proposal, as submitted or as modified, is compatible with the surrounding community and will have no more adverse effects on the health, safety, or comfort of persons living or working in or driving through the area than would any other use generally permitted in the same district.

**FINDING:** The proposed use should not have any adverse effect on the surrounding area, which is a mixture of agricultural and residential uses. The golf course will be open only during the day, with no night operation. Although the property borders both Centerville Turnpike and Whittamore Road, the entrance to the site is provided only from Whittamore Road, which should provide a safer option with less disruption to traffic along Centerville Turnpike. The adjoining residential properties to the south, along Murray Drive, are separated from the golf course by a 120 foot wide power easement. In addition, these lots are a minimum of 3 acres, with the houses located approximately 250 feet from the applicant's property. In combination with the power easement and the golf course's fairway safety buffer, the houses will be located a minimum of 400 feet from any of the fairways.

Residents in the area have expressed concern about the effect of the golf course's use of wells on their water supply (properties in the area are served by private wells) and the possible contamination of the water supply from the use of "fly ash" for the golf course's construction. The applicant has agreed to a stipulation that would require the replacement of any well (at the applicant's expense) within a 2,000 foot radius of the golf course property that is adversely affected by the construction or operation of the golf course and its related facilities. The wording of this stipulation is based on similar stipulations used for borrow pit applications, and the applicant's responsibility for well replacement would expire seven years from the date of approval of the permit by City Council. In addition, the applicant has agreed to test the water from the clubhouse twice annually in an effort to measure water quality. The well supplying water to the clubhouse is expected to draw water from the same depth as the wells supplying water to the surrounding area. A stipulation addressing the testing of the water is included, and the stipulation discussed earlier pertaining to well replacement addresses wells contaminated by any activity associated with the golf course. Also, the applicant will have water trucks on site that will continuously keep the fly ash wet to keep it in place. As the fly ash is delivered, it will be taken to the area where it is needed and then it will be covered with one to two feet of topsoil. The maximum length of time that the fly ash will be exposed will be seven days. A stipulation is included addressing the maintenance of the exposed fly ash.

Attachment C contains preliminary test results from Dominion Power on samples of the fly ash. The row at the top of the table lists the toxicity levels (measured in parts per million) and the numbers in the remainder of the table lists the amounts of the various elements (arsenic, barium, cadmium, etc.) in parts per million from the samples. The samples indicate the measured levels were well below the toxicity levels. In response to residents' concerns, the applicant will also be providing the measures for each of these elements that are considered safe for drinking. These were not available at the time this report was written, but will be provided prior to the Planning Commission meeting.

Section 17-106.B. offers factors which may be considered in determining whether a Conditional Use Permit application meets the required standards. Only those factors considered applicable to this application are discussed below:

1. **STANDARD:** Whether the proposed conditional use will be consistent with the adopted policies in the Chesapeake Comprehensive Plan.

**FINDING:** As noted above, the low intensity of the proposed use is compatible with the Countryside designation of the City's Land Use Plan. In addition, the use is consistent with policies of the Plan contained in the Land Use element that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** Whether the existing or proposed streets and highways are adequate to safely accommodate and serve the site, with particular attention being given to the following:
  - a. The capacity of existing or proposed streets and highways located on or near the site to accommodate projected traffic volumes.
  - b. The adequacy and safety of the size and design of access roads, entrance and exit drives, and traffic circulation patterns, for both vehicular and pedestrian traffic on and near the site.

**FINDING:** In response to comments received from the Department of Public Works, the applicant conducted a traffic analysis of Centerville Turnpike, with the analysis indicating a left turn lane on Centerville Turnpike is needed. The applicant has agreed to provide the left turn lane from Centerville Turnpike to Whittamore Road. The applicant has also agreed to the right-of-way reservation on Centerville Turnpike as requested by Public Works.

3. **STANDARD:** Whether the proposed conditional use will be adequately served by other essential public facilities, including but not limited to the following: water and sewers, drainage facilities, schools, recreational facilities, police and fire protection, refuse disposal.

**FINDING:** Departmental review indicated no objections to the proposed development in regards to public facilities. In response to comments from the Fire Department, a stipulation will be included requiring that a dry hydrant that draws water from the proposed lake be provided since City water is not available. As noted earlier, the applicant has agreed to a stipulation that will address his responsibility in replacing residents' wells that may be adversely affected by the golf course.

4. **STANDARD:** Whether the proposed conditional use will have any adverse effect upon or will be incompatible with the use or enjoyment of adjacent and surrounding property, with particular attention being given to the following:
- a. The noise characteristics of the proposed use and whether they exceed the maximum sound levels that are typical of uses permitted as a matter of right in the district.
  - b. The anticipated glare from vehicular and stationary lights and the extent to which such lights will be visible from any residential district.
  - c. The vulnerability of the proposed use to fire and related safety hazards.
  - d. The interference by the proposed use with any easement, roadways, rail lines, utilities and public or private rights-of-way.
  - e. The possible destruction, loss, or damage of a natural, scenic, or historic feature of significant importance.
  - f. The adequacy of proposed landscaping and buffering measures to screen the site from neighboring properties zoned for or containing less intensive uses.

**FINDING:** None of the items listed above will exist to an extent that will adversely affect surrounding properties. Noise associated with the golf course will be minimal and will not exceed sound levels typical of other uses permitted in the A-1 Agricultural District. Glare from vehicular and stationary lights will also be minimal. The golf course will only be open during the day, which will limit glare from vehicular lights. In addition, the clubhouse, parking lot and related facilities are located in the northwest portion of the site, away from any residential development. Buffering is also proposed around each of these facilities. The applicant has stated that stationary lighting will be limited to that necessary for security purposes only. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road that will provide additional buffering, especially for the purpose of preventing golf balls from entering these roadways. A 150 foot fairway safety buffer is also proposed for this purpose. Roadside landscape buffers, exceeding Code requirements, are provided along both Centerville Turnpike and Whittamore Road. As noted earlier, stipulations are included that address possible effects of the golf course operation on the wells of residents in the

community. Samples of the fly ash indicate levels of various elements are well below toxicity levels, and additional information will be provided about acceptable drinking water levels.

5. **STANDARD:** Whether the proposed conditional use will be constructed, arranged, and operated so as not to dominate or interfere with the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, considerations shall be given to:
- a. The location, nature, and height of buildings, structures, walls, and fences on the site; and
  - b. The overall compatibility of the appearance of the site as proposed with neighborhood sites;
  - c. The nature and extent of landscaping and screening on the site.

**FINDING:** Development of the property as a golf course should not interfere with the development and use of neighboring property. The proposed golf course is not an intensive use of the site. The number of buildings is limited to a clubhouse, cart barn and maintenance building and a parking lot containing 83 spaces. These facilities are located in the northwest portion of the site away from any residential development. The closest use to these facilities is the Fentress Fire Station located near the intersection of Centerville Turnpike and Whittamore Road. Landscaping is proposed around each of these structures to buffer their view from adjoining properties. In addition, the applicant has agreed to a stipulation addressing the appearance of the clubhouse and maintenance building to ensure their compatibility with surrounding development. The applicant has agreed to construct these buildings with either brick, block with a brick appearance, split block or other stone/masonry veneer acceptable to the Planning Director. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road to help prevent errant golf balls from entering these roadways. As discussed earlier, the applicant has also agreed to a stipulation that additional corrective measures will be made if the City's Public Works Department determines that the safety of motorists along both Centerville Turnpike and Whittamore Road is being compromised. The berms and landscaping will also serve as a visual buffer from adjoining properties. By its very nature (i.e., extensive open space and landscaped greens and fairways), the appearance of the golf course will be compatible with the surrounding agricultural and residential area.

**STAFF RECOMMENDATION:**

Based on the findings contained in this staff report, staff recommends that **UP-01-03** be **APPROVED** with the following stipulations:

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.
5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid linear effect. Landscaping shall be subject to approval by the City Arborist.
6. The applicant agrees that a 5 percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the PFM prior to the issuance of a certificate of occupancy.
8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.

10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).
11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Department of Utilities. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within AICUZ noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.

15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced in United States Navy AICUZ noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents."

GRP

cc: Dorothy Kowalsky, Current Planning Coordinator

Mr. James R. Bradford  
c/o Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

+



ENGINEERING CONSULTING SERVICES, LTD.  
 Geotechnical • Construction Materials • Environmental



December 22, 2003

Ms. Lynn Sears  
 CPM Virginia, LLC  
 1541 Alta Drive  
 Whitehall, Pennsylvania 18052

Reference: Centerville Turnpike Pavement Cores  
 Centerville Turnpike and Whittamore Road  
 Chesapeake, Virginia

ECS Project No. 04:6585

Dear Ms. Sears:

On December 21, 2003, coring was performed within the existing pavement of Centerville Turnpike near its intersection with Whittamore Road, in the City of Chesapeake, Virginia. We performed the cores at the approximate locations shown on the Pavement Core Plan prepared by Hassell & Folkes dated Sept., 2003. Ten 4-inch diameter cores were performed within the right-of-way of Centerville Turnpike. Four cores were performed in the north-bound lane and six cores were performed in the south-bound lane. Eight of the cores (C-2 through C-9) were performed within the recently completed limits of the Centerville Turnpike and Whittamore Road Improvements for the Etheridge Greens development. One core (C-1) was performed in the roadway north of the improvement limits and another core (C-10) was performed in the roadway south of the improvement limits. A location plan showing the approximate core locations and the core numbering system is included in Enclosure 1.

Diamond Equipment Contracting Corporation performed the cores utilizing a 4-inch core bit and an electric coring machine. The asphalt pavement depths recorded at the core locations varied from 3 to 11 inches. Underlying the asphalt, we encountered aggregate base course material that was noted to vary from 4 inches to 6-¾ inches in thickness. Typically the base course aggregate appeared to be a dense graded crushed stone similar to VDOT 21B stone. However, at a couple of the core holes, we observed the presence of much larger-sized aggregate similar to VDOT No. 1 stone mixed in with dense graded aggregate. Our pavement core observations are summarized in the following table.

814 Greenbrier Circle, Suite A, • Chesapeake, Virginia 23320-2643 • (757) 365-5100 • Fax (757) 366-5203

Offices: Baltimore, MD • Funderck, MD • Aberdeen, MD • Chantilly, VA • Winchester, VA • Fredericksburg, VA • Richmond, VA • Roanoke, VA  
 Danville, VA • Chesapeake, VA • Williamsburg, VA • Charlotte, NC • Raleigh, NC • Greensboro, NC • Wilmington, NC  
 Greenville, SC • Atlanta, GA • Cornelia, GA • Austin, TX • Dallas, TX • San Antonio, TX • Chicago, IL

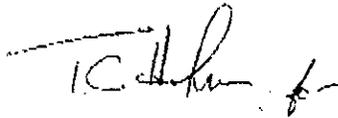
2300

| Core # | Direction  | Asphalt Thickness (inches) | Aggregate Base Course Thickness (inches) |
|--------|------------|----------------------------|--|
| C-1    | Southbound | 5-1/2                      | 6-3/4                                    |
| C-2    | Southbound | 3                          | 6  |
| C-3    | Northbound | 4                          | 6  |
| C-4    | Southbound | 4-1/2                      | 6  |
| C-5    | Southbound | 11                         | 6  |
| C-6    | Southbound | 8                          | 6  |
| C-7    | Northbound | 10                         | 5  |
| C-8    | Southbound | 5                          | 8  |
| C-9    | Northbound | 11                         | 4  |
| C-10   | Northbound | 10                         | 4  |

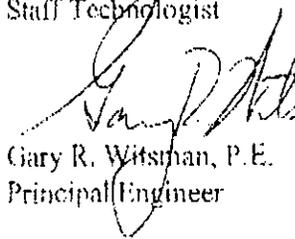
We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

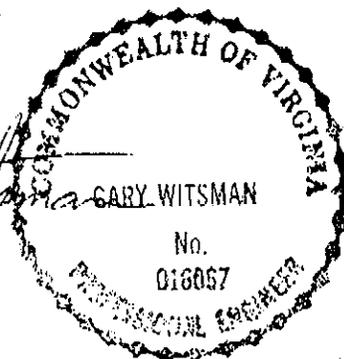
ENGINEERING CONSULTING SERVICES, LTD



Jason E. Trimyer  
 Staff Technologist



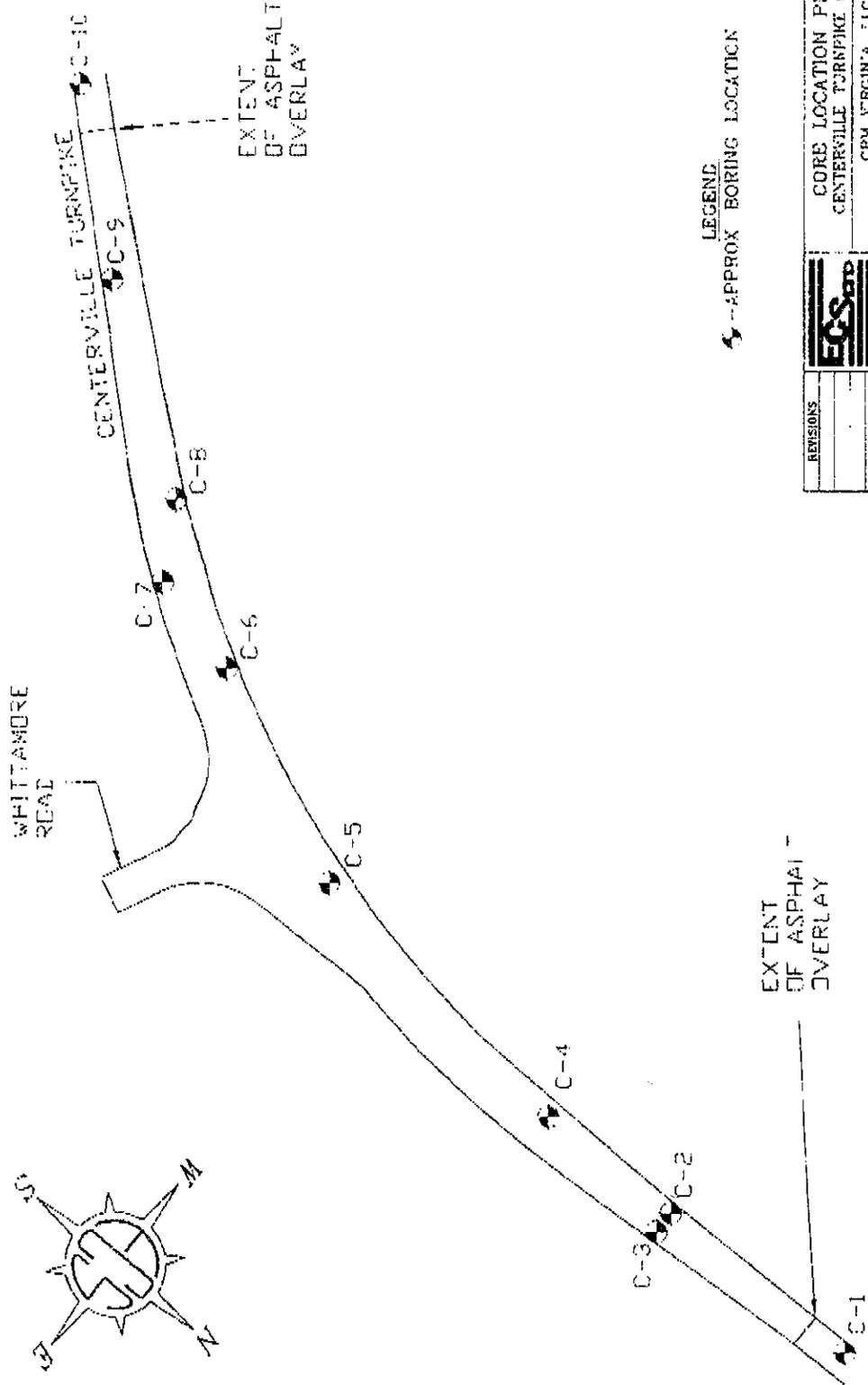
Gary R. Witsman, P.E.  
 Principal Engineer



- Copies: (2) CPM Virginia, LLC (Ms. Lynn Sears)  
 (2) Combustion Project Management (Mr. Robert DeBerardinis)  
 (1) Hassell & Folkes, P.C. (Mr. Wymer Maunung III, P.E.)

\\letters\jet\6585centerville\cores\trb.DOC

ECS LTD



LEGEND  
 -- APPROX BORING LOCATION

| REVISIONS |
|-----------|
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|           |
|           |
|           |

**ECS**  
 CONSULTING  
 SERVICES, LLC

CORE LOCATION PLAN  
 CENTERVILLE TURNPIKE CORES

CPM VIRGINIA, LLC

REV: CPM 12-28-03 1-106 04/04/04 1 OF 1

| Core # | Lane       | Asphalt Thickness (inches) | Aggregate Base Course Thickness (inches) |    |
|--------|------------|----------------------------|--|----|
| C-1    | Southbound | 5-1/2                      | 6-3/4                                    | EX |
| C-2    | Southbound | 3                          | 6  | X  |
| C-3    | Northbound | 4                          | 6  | X  |
| C-4    | Southbound | 4-1/2                      | 6  | X  |
| C-5    | Southbound | 11                         | 6  | ✓  |
| C-6    | Southbound | 8                          | 6  | ✓  |
| C-7    | Northbound | 10                         | 5  | ✓  |
| C-8    | Southbound | 5                          | 8  | X  |
| C-9    | Northbound | 11                         | 4  | ✓  |
| C-10   | Northbound | 10                         | 4  | ✓  |

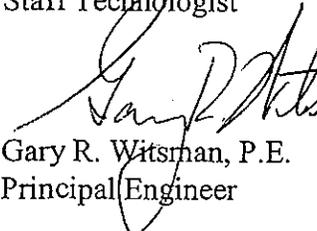
We appreciate the opportunity to be of service to you on this project. If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

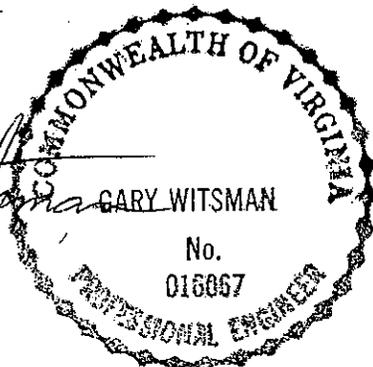
ENGINEERING CONSULTING SERVICES, LTD.



Jason E. Trimyer  
 Staff Technologist



Gary R. Witsman, P.E.  
 Principal Engineer



- Copies (2) CPM Virginia, LLC (Ms. Lynn Sears)
- (2) Combustion Project Management (Mr. Robert DeBerardinis)
- (1) Hassell & Folkes, P.C. (Mr. Wymer Manning III, P.E.)

DEPARTMENT OF PUBLIC WORKS  
 P.O. BOX 15225 CHESAPEAKE, VIRGINIA 23328  
 PHONE (757) 382-6101 • FAX (757) 382-8537

PATRICIA C. BIEGLER, DIRECTOR

## LETTER OF CONFIRMATION

|           |                  |     |        |
|-----------|------------------|-----|--------|
| DATE      | 4/7/04           | AC# | 014082 |
| ATTENTION | Ron Curry        |     |        |
| RE:       | Etheridge Greens |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |

TO Ron Curry, Agent  
CIM Contracting Inc.  
530 Woodlake Circle  
Chesapeake, VA 23320

GENTLEMEN:

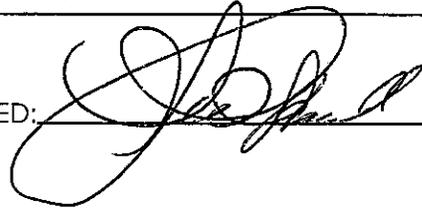
THIS LETTER IS TO CONFIRM THE FOLLOWING:

TELEPHONE CONVERSATION,  OTHER: \_\_\_\_\_

DATE: April 7, 2004, TIME: 8:45, AT WHICH WE DISCUSSED: that the pavement on Whitmore Rd must be repaired by 12:00 pm on April 15, 2004 or city forces will be brought in to make the repair at your company's expense. This action is being taken by the failure to repair the pavement by the much discussed February 15, 04 March 15 and today's deadline.

Additionally the Permit Engineer is considering shutting the project down on April 15, 2004 at 12:00 pm because the city still has not received the core results from December 21, 2003.

|                   |                  |         |                      |            |   |
|-------------------|------------------|---------|----------------------|------------|---|
| Post-it® Fax Note | 7671             | Date    | 4/7/04               | # of pages | 1 |
| To                | Butch Manning    | From    | K. Harrell           |            |   |
| Co./Dept.         | Hassell & Folkes | Co.     | Ches. PW Engineering |            |   |
| Phone #           | 547-9531         | Phone # | cell 615-9242        |            |   |
| Fax #             | 547-9481         | Fax #   | 382-6924             |            |   |

SIGNED: 

cc: Dave Dombroski  
Butch Manning  
Bobby Degener

If you do not concur with the above, please notify us at once.

DEPARTMENT OF PUBLIC WORKS  
 P.O. BOX 15225 CHESAPEAKE, VIRGINIA 23328  
 PHONE (757) 382-6101 • FAX (757) 382-8537

PATRICIA C. BIEGLER, DIRECTOR

## LETTER OF CONFIRMATION

|           |                  |     |        |
|-----------|------------------|-----|--------|
| DATE      | 4/7/04           | AC# | 014082 |
| ATTENTION | Ron Curry        |     |        |
| RE:       | Etheridge Greens |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |

TO Ron Curry, Agent  
CiM Contracting Inc  
530 Woodlake Circle  
Chesapeake, VA 23320

GENTLEMEN:

THIS LETTER IS TO CONFIRM THE FOLLOWING:

TELEPHONE CONVERSATION,  OTHER: \_\_\_\_\_

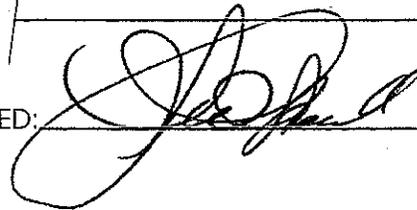
DATE: April 7, 2004, TIME: 8:45, AT WHICH WE DISCUSSED: that the  
pavement on Whitamore Rd must be repaired by 12:00 pm  
on April 15, 2004 or city forces will be brought in to make the  
repair at your company's expense. This action is being taken by the  
failure to repair the pavement by the much discussed February 15, 04  
March 15 and today's deadline.

Additionally the Permit Engineer is considering shutting the  
project down on April 15, 2004 at 12:00 pm because the city  
has not received the core results from December 21, 2003.

Post-it® Fax Note 7671

|           |                  |         |                      |            |   |
|-----------|------------------|---------|----------------------|------------|---|
| To        | Butch Manning    | Date    | 4/7/04               | # of pages | 1 |
| Co./Dept. | Hassell & Folkes | From    | Kottarrell           |            |   |
| Phone #   | 547-9531         | Co.     | Ches. PW Engineering |            |   |
| Fax #     | 547-9481         | Phone # | cell 615-9242        |            |   |
|           |                  | Fax #   | 382-6924             |            |   |

SIGNED: \_\_\_\_\_



cc: Dave Dombroski  
Butch Manning  
Bobby Degennaro

do not concur with the above, please notify us at once.

DEPARTMENT OF PUBLIC WORKS  
P.O. BOX 15225 CHESAPEAKE, VIRGINIA 23328  
PHONE (757) 382-6101 • FAX (757) 382-8537

PATRICIA C. BIEGLER, DIRECTOR

## LETTER OF CONFIRMATION

|           |                  |     |        |
|-----------|------------------|-----|--------|
| DATE      | 4/7/04           | AC# | 014082 |
| ATTENTION | Ron Curry        |     |        |
| RE:       | Etheridge Greens |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |

TO Ron Curry, Agent  
C:M Contracting Inc  
530 Woodlake Circle  
Chesapeake, VA 23320

GENTLEMEN:

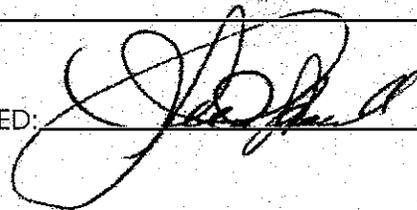
THIS LETTER IS TO CONFIRM THE FOLLOWING:

TELEPHONE CONVERSATION,  OTHER: \_\_\_\_\_

DATE: April 7, 2004, TIME: 8:45, AT WHICH WE DISCUSSED: that the  
pavement on Whitmore Rd must be repaired by 12:00 pm  
on April 15, 2004 or city forces will be brought in to make the  
repair at your company's expense. This action is being taken by the  
failure to repair the pavement by the much discussed February 15, 04  
March 15 and today's deadline.

Additionally the Permit Engineer is considering shutting the  
project down on April 15, 2004 at 12:00 pm because the city  
still has not received the core results from December 21, 2003.

SIGNED: \_\_\_\_\_



cc: Dave Dombroski  
Butch Manning  
Bobby Degener

If you do not concur with the above, please notify us at once.

DEPARTMENT OF PUBLIC WORKS  
P.O. BOX 15225 CHESAPEAKE, VIRGINIA 23328  
PHONE (757) 382-6101 • FAX (757) 382-8537

PATRICIA C. BIEGLER, DIRECTOR

## LETTER OF CONFIRMATION

|           |                  |     |        |
|-----------|------------------|-----|--------|
| DATE      | 4/7/04           | AC# | 014082 |
| ATTENTION | R Curry          |     |        |
| RE:       | Etheridge Greens |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |
|           |                  |     |        |

TO Ron Curry, Assoc  
C.M. Construction Inc  
530 Woodlake Circle  
Chesapeake, VA 23320

**GENTLEMEN:**

THIS LETTER IS TO CONFIRM THE FOLLOWING:

TELEPHONE CONVERSATION,  OTHER: \_\_\_\_\_

DATE: April 7, 2004, TIME: 8:45, AT WHICH WE DISCUSSED: that the  
diverment on Whitman Rd must be repaired by 12:00pm  
on April 15, 2004 or city forces will be brought in to make the  
repair at your company's expense. This action is being taken by the  
failure to repair the pavement by the much discussed February 15, 04  
March 15 and today's deadline.

Additionally, the Permit Engineer is considering sitting the  
project down on April 15, 2004 at 12:00pm because the city  
still has not received the core results from December 21, 2003.

SIGNED: \_\_\_\_\_

cc: Dev Dumbrecht  
Butch Manning  
Bobby Degroot

If you do not concur with the above, please notify us at once.

TRANSMISSION VERIFICATION REPORT

TIME : 04/07/2004 11:59

|              |                 |
|--------------|-----------------|
| DATE, TIME   | 04/07 11:58     |
| FAX NO./NAME | 94132595        |
| DURATION     | 00:00:29        |
| PAGE(S)      | 01              |
| RESULT       | OK              |
| MODE         | STANDARD<br>ECM |

Bob Drivas  
477-1155  
Eth

TRANSMISSION VERIFICATION REPORT

TIME : 04/07/2004 11:56

|              |             |
|--------------|-------------|
| DATE, TIME   | 04/07 11:56 |
| FAX NO./NAME | 93619435    |
| DURATION     | 00:00:00    |
| PAGE(S)      | 00          |
| RESULT       | BUSY        |
| MODE         | STANDARD    |

BUSY: BUSY/NO RESPONSE

TRANSMISSION VERIFICATION REPORT

TIME : 04/07/2004 12:02

|              |                 |
|--------------|-----------------|
| DATE, TIME   | 04/07 12:02     |
| FAX NO./NAME | 95479481        |
| DURATION     | 00:00:43        |
| PAGE(S)      | 01              |
| RESULT       | OK              |
| MODE         | STANDARD<br>ECM |

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

February 17, 2004

Atlantic Coastal Clearing & Grading, Inc.  
Mr. Mike Semonich, Vice President  
916 Executive Court  
Chesapeake, VA 23320

**RE: Etheridge Greens Golf Course – AC #014082 00**

Dear Mr. Semonich:

Please be advised that Fidelity and Deposit Company of Maryland permit bond No. LPM08586349 has been replaced by other surety and is released. Land Disturbing permit No. N0200443 is now null and void.

Should you need additional information, please call me at (757) 382-6304.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/ses

cc: W.B. Siviter & Associates  
Mr. Robert Siviter  
2112 Dawn Avenue  
Virginia Beach, VA 23451  
w/ original bond

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

February 17, 2004

Atlantic Coastal Clearing & Grading, Inc.  
Mr. Mike Semonich, Vice President  
916 Executive Court  
Chesapeake, VA 23320

**RE: Etheridge Greens Golf Course – AC #014082 00**

Dear Mr. Semonich:

Please be advised that Fidelity and Deposit Company of Maryland permit bond No. LPM08642430 has been replaced by other surety and is released. Stormwater permit No. W0201441 is now null and void.

Should you need additional information, please call me at (757) 382-6304.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/ses

cc: W.B. Siviter & Associates  
Mr. Robert Siviter  
2112 Dawn Avenue  
Virginia Beach, VA 23451  
w/ original bond

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ray A. Conner, Commission of the Revenue

**FROM:** David G. Dombroski, Permits Engineer, Public Works *LHA FPH*

**DATE:** February 17, 2004

**RE:** **Greens Golf Course, Phase 1A – AC #014082 00**

---

For your files please find attached copies of the land disturbing permit application and land disturbing permit No. N0301729 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

## MEMORANDUM

**TO:** Mr. Miklos Lestyan, City Arborist, Inspections  
**FROM:** David G. Dombroski, Permits Engineer, Public Works  
**DATE :** February 17, 2004  
**RE:** Greens Golf Course, Phase 1A – AC #014082 00

---

For your files please find attached copies of the land disturbing permit application and land disturbing permit No. N0301729 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

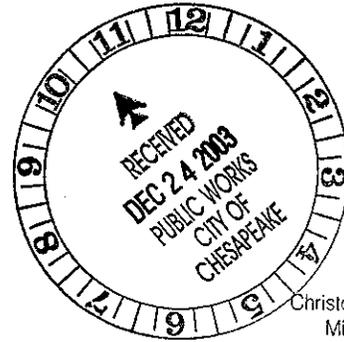
**TO:** Mr. David B. Sanford, CAE, SRA, Commercial Appraisal Supervisor  
**FROM:** David G. Dombroski, Permits Engineer, Public Works *Land For*  
**DATE:** February 17, 2004  
**RE:** Greens Golf Course, Phase 1A -- AC #014082 00

---

For your files please find attached copies of the land disturbing permit application and land disturbing permit No. N0301729 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment



S. Grey Folkes, Jr., P.E.  
Leigh Anne Folkes, P.E.  
Wymer W. Manning, III, P.E.  
John A. O'Connor, P.E.  
Greg R. Deubler, P.E.  
Stuart W. Bonnell, P.E.  
Kenneth C. Phelps, P.E.  
James R. Bradford, C.L.A.

December 24, 2003

Christopher D. Capozzi, L.S.  
Michael W. Murphy, L.S.

T. Ray Hassell III, L.S.  
(1932-1984)  
Stradford G. Folkes, P.E.  
Consultant

Mr. Ed West, P.E.  
DEPARTMENT OF PUBLIC WORKS  
City of Chesapeake  
306 Cedar Road  
Chesapeake, VA 23322

RE: ETHERIDGE GREENS GOLF COURSE  
CENTERVILLE TURNPIKE IMPROVEMENTS  
(AC #014082-00)

Dear Mr. West:

Attached you will find seven (7) copies of Sheet Two (2) of the referenced improvement plans, which have been revised in response to your comment letter dated July 15, 2003. The comments are addressed as follows:

- 1) Updated HGL calculations are included with the resubmittal. We have examined two (2) starting tailwater elevations using  $0.8 \times$  diameter of pipe + invert and a worst case "full ditch" situation.
- 2) The swale downstream of structure SDI-3 has been regraded. Several cross sections of this area have been provided as requested. The right-of-way line and proposed public drainage easement have been shown on the cross sections. Existing topographic information in this area has been shown.
- 3) The Deed of Dedication for the public drainage easement shall be forwarded in the near future.
- 4) A typical swale section has been provided.
- 5) Completed.

Mr. Ed West, P.E.

DEPARTMENT OF PUBLIC WORKS

December 24, 2003

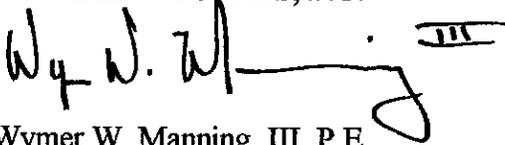
Page - 2 -

RE: ETHERIDGE GREENS GOLF COURSE  
CENTERVILLE TURNPIKE IMPROVEMENTS  
(AC #014082-00)

The plan revision is being resubmitted for final municipal approval, subject to the dedication of the public drainage easement. No other revisions have been made other than the ones noted above. Should you have any questions or require additional information, please do not hesitate to contact our office. Trusting this is as you require, we remain,

Very truly yours,

HASSELL & FOLKES, P.C.

A handwritten signature in black ink, appearing to read "Wymer W. Manning, III". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Wymer W. Manning, III, P.E.

WWM/kb

Enclosures

cc: Mr. Dave Dombroski  
Department of Public Works

Mr. Robert Diberardinis

**City of Chesapeake**  
Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6101  
Fax. (757) 382-6310  
Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>GREY FOLKES                | <b>FROM:</b><br>DAVE DOMBROSKI                                 |
| <b>Company Name:</b><br>HASSELL & FOLKES | <b>Date:</b><br>12/11/03                                       |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547 9481           | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS

- Urgent    
  Reply ASAP    
  Please Comment    
  Please Review    
  For Your Information  
 As Requested    
  As Discussed

Total pages, including cover: 3

**COMMENTS:**  
 GREY,  
 ECS has been in touch with me. THE  
 CORES ARE tentatively set for tomorrow 12/12/03.  
 Thanks for the help.



- Original will be sent via US Mail  
 Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

**\*\* Transmit Conf. Report \*\***

P.1

Dec 11 2003 9:13

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 95479481         | NORMAL | 11, 9:13 | 0'30" | 3    | # 0 K  |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>GREY FOLKES                | <b>FROM:</b><br>DAVE DOMBROSKI                                 |
| <b>Company Name:</b><br>HASSELL & FOLKES | <b>Date:</b><br>12/11/03                                       |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547 9481           | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS

- Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information  
 As Requested   
  As Discussed

Total pages, including cover: 3

**COMMENTS:**  
 GREY,  
 ECS has been in touch with me. The 2319  
 CORRES ARE tentatively set for tomorrow 12/12/03.

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

December 10, 2003

Combustion Products Management, Inc.  
Mr. Robert S. Diberandinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**Subject: Etheridge Greens – AC #014082 00**

Dear Mr. Diberandinis:

Several issues regarding the subject site need to be resolved promptly.

The pavement on Whitamore Road has again begun to deteriorate. Our inspector is available to delineate specific areas in need of repair upon reasonable notice. All deteriorated areas of Whitamore Road must be repaired no later than January 15, 2004.

Core samples of the Centerville Turnpike pavement section must be taken in accordance with the location plan supplied by our inspector to Hassell & Folkes, P.C. on July 2, 2003. The purpose of the cores is to compare the preconstruction pavement section with that of the reconstructed road. Should any areas of the reconstructed road be discovered to have a pavement section less than that of the design section, those areas of the reconstructed road shall be corrected such that the pavement section meets or exceeds the design pavement section. All deficient areas of the reconstructed road identified by the core samples shall be corrected within 30 days of analysis of the core samples. Repair methods shall be approved by this department prior to commencement of the corrective work. Please note that the land disturbing permit for Phase 1A applied for by C&M Contractors, Inc. shall not be issued prior to commencement of the coring operation.

Finally, a plan revision is required for the northeast quadrant of the Whitamore Road/Centerville Turnpike intersection. As discussed with your consultant, the best solution would be to get authorization to extend the ditch piping. Not under any circumstance shall the shoulder width that existed prior to this project be reduced. The land disturbing permit for Phase 1-A shall not be issued prior to submittal of the plan revision and evidence of the adjacent property owner concurrence to any drainage easement that may be needed to accommodate the design.

Combustion Products Management, Inc.

G:\SEFOLDER\bsherr\DGD\01408200-eth green\21003-ltr.doc

*"The City of Chesapeake adheres to the principles of equal employment opportunity.  
This policy extends to all programs and services supported by the City."*

**2320**

Combustion Products Management, Inc.  
Subject: Etheridge Greens – AC #014082 00  
December 10, 2003, page 2

Should you need additional information, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/ses

cc: J. B. Tate, P.E., Assistant City Engineer  
Karen W. Harrell, Construction Inspector

S. Grey Folkes, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works 

**DATE:** December 4, 2003

**RE:** Etheridge Greens, Phase 1A – AC #014082 00

---

Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6300 when ready for pick up.

DGD:ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

**MEMORANDUM**

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works

**DATE:** December 4, 2003

**RE:** **Etheridge Greens, Phase 1A – AC #014082 00**

---

Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6300 when ready for pick up.

DGD:ses  
Attachment


**ENGINEERING CONSULTING SERVICES, LTD.**

Geotechnical • Construction Materials • Environmental

December 3, 2003

Mr. Robert DeBerardinis  
 CPM Virginia, LLC  
 c/o Combustion Products Management  
 1229 Kingsbury Drive  
 Chesapeake, Virginia 23322

ECS Project No. 04:6585

Reference: Centerville Turnpike Pavement Cores  
 Chesapeake, Virginia

Dear Mr. DeBerardinis:

We received your written acceptance dated November 20, 2003 of ECS Proposal N10213-P. This proposal is to perform ten (10) pavement section cores in the Centerville Turnpike right-of-way near the intersection with Whittamore Road. After we received Notice-to-Proceed, we contacted your civil engineer, Butch Manning of Hassell & Folkes, P.C., and Dave Dombrowski of the City of Chesapeake to coordinate the coring locations and the coring schedule. The city has requested that they have a representative observe the coring operation. We are presently preparing a traffic control plan for city approval. After the traffic control plan is submitted, we will set a time that is acceptable to the city to perform the cores.

Based on the city's initial comments, we believe we should be able to perform the cores the week of December 8, 2003. We will keep you informed of our progress.

Respectfully,

**ENGINEERING CONSULTING SERVICES, LTD.**

Gary R. Witsman, P. E.  
 Principal Engineer

I/Letters/jet/6585schedule.doc

---

 814 Greenbrier Circle, Suite A, • Chesapeake, Virginia 23320-2643 • (757) 366-5100 • Fax (757) 366-5203

Offices: Baltimore, MD • Frederick, MD • Aberdeen, MD • Chantilly, VA • Winchester, VA • Fredericksburg, VA • Richmond, VA • Roanoke, VA  
 Danville, VA • Chesapeake, VA • Williamsburg, VA • Charlotte, NC • Raleigh, NC • Greensboro, NC • Wilmington, NC  
 Greenville, SC • Atlanta, GA • Cornelia, GA • Austin, TX • Dallas, TX • San Antonio, TX • Chicago, IL

CONTRACT AGREEMENT  
FOR LABOR, MATERIALS AND EQUIPMENT

THIS AGREEMENT, made this 2nd day of December, 2003, between CPM Virginia., the OWNER, whose address is 1229 Kingsbury Drive, Chesapeake, Virginia 23322 and telephone number is (757) 546-2462, for the **ETHERIDGE GREENS CENTERVILLE TURNPIKE IMPROVEMENTS** project in Chesapeake, Virginia, and the CONTRACTOR.....

**C&M CONTRACTORS**

The OWNER and the CONTRACTOR agree as set forth in the following paragraphs:

1. THE CONTRACT DOCUMENTS

1.1 The contract documents for this subcontract consist of this Agreement and any Exhibits attached hereto identified as:

EXHIBITS A &B,

the bid proposal, the specifications, the general, special, supplementary and/or other conditions, the contract drawings, all addenda and amendments, notice of award and notice to proceed, all forming a part of the contract with the OWNER, which documents are incorporated into this by reference by terms of this Agreement.

1.2 In the event of any conflict between the provisions of this Agreement and any other documents, the provisions of this CONTRACT shall control.

2. THE WORK

2.1 The CONTRACTOR shall perform all the work hereunder set forth in EXHIBIT A attached hereto. This work to be performed in strict conformity with the plans and specifications entitled **ETHERIDGE GREENS CENTERVILLE TURNPIKE IMPROVEMENTS**, as prepared by Hassell & Folkes, P. C., dated upon approval of plans and the standards as found in the contract documents, and subsequent changes agreed to between the OWNER and the CONTRACTOR. All workmanship, equipment and articles incorporated in the work covered by this agreement are to be the best grade of their respective kinds for the purpose, and to the satisfaction of the Owner and the Owner's representative on the work.

3. PRICE AND PAYMENT

3.1 The OWNER shall pay the CONTRACTOR for the performance of the work in accordance with this agreement, subject to additions and deductions authorized by approved changes, **the sum of \$90 per linear foot for improvements as stipulated in approved plans** relating to pipe extension and associated improvements.

3.2 Monthly progress payment requests shall be submitted to the OWNER'S office by the 25th of the month, in writing, for the satisfactorily completed work in accordance with the unit prices set forth in the contract, and submitted on the EXHIBITS A and B. Failure to receive these exhibits by the OWNER by the 25th of the month shall be construed to mean that no request for payment is forthcoming for that month.

3.3 Monthly progress payments will be made within thirty (30) days after receipt of progress payment requests for satisfactory work. The progress payment will be for 95% of the work completed and the balance retained by the OWNER until the completion of this Agreement. Partial lien waivers will be required.

3.4 FINAL PAYMENT- and all other sums will be made by the OWNER within thirty (30) days of receipt of Final Progress Payment Request by the OWNER, receipt of final lien waivers from the CONTRACTOR and a statement of one year warranty for the work from the date of acceptance by the OWNER. The OWNER may request satisfactory evidence that payrolls, bills for materials and equipment, and all known indebtedness connected with the work in this agreement have been satisfied.

4. PAYMENT AND PERFORMANCE BOND

4.1 The CONTRACTOR shall provide, within 10 days after the execution of this agreement, Payment and Performance Bonds on the form prescribed by and with surety acceptable to the OWNER in the full amount of this CONTRACT for the faithful performance of this CONTRACT. The premium for bonds shall be paid by the CONTRACTOR. Notwithstanding any other provisions to the contrary, NO PAY REQUIRED BONDS HAVE BEEN DULY EXECUTED AND DELIVERED TO THE OWNER, UNLESS THE CONTRACTOR'S OBLIGATION TO FURNISH SAID BONDS HAS BEEN WAIVED AS INDICATED BELOW.

4.2 PAYMENT BOND REQUIRED \_\_\_ PERFORMANCE BOND REQUIRED   x   NO BONDS REQUIRED \_\_\_

5. TIME

5.1 The CONTRACTOR agrees to furnish as required and at no extra cost all shop drawings, samples, models, schedules, catalog cuts, test results, certificates and other documentation necessary and incidental to the proper coordination and performance of the work.

5.2 Time is of the ESSENCE and the CONTRACTOR shall begin the work promptly when notice to proceed is given and shall diligently prosecute the same to completion in accordance with the time schedule approved by the OWNER in a manner so as to not delay the completion of the contract between the Owner and Contractor. No payment for delays will be made unless agreed to by the Owner. The CONTRACTOR shall pay the OWNER all damages, including overhead of the OWNER, occasioned by any delay on the part of the CONTRACTOR. **The CONTRACTOR is authorized to begin construction within 45 days of receiving final city approval.**

## 6. INSURANCE

6.1 Prior to commencement of work, the CONTRACTOR shall obtain and maintain in force for the life of this agreement such insurance coverage's as required by the CONTRACT. The provisions of this article shall apply to all lower-tier subcontractors and certificates reflecting the CONTRACT coverage's shall be furnished to the OWNER by the CONTRACTOR on behalf of the lower-tier subcontractors. The cancellation clause must include a thirty (30) day minimum written notice to the OWNER before cancellation can become effective.

## 7. INDEMNITY

7.1 The CONTRACTOR shall indemnify and save harmless the OWNER from and against all losses and costs incurred because of claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against him by reason of any act or omission of the said CONTRACTOR, his agents, or employees in the execution of the work or in the guarding of it.

## 8. DEFECTIVE WORK

8.1 The CONTRACTOR shall promptly repair, replace or otherwise make good any defects, damages or fault in the whole or part of the work in the Contract performed under this agreement. CONTRACTOR shall repair, replace or otherwise make good defective or improper work for a period of one year after the acceptance of the work by the Owner. CONTRACTOR may be required to provide a Defect Bond if directed.

8.2 Should the CONTRACTOR fail to repair, replace or otherwise make good on the part of the work indicated defective and unsatisfactory to the Owner, the OWNER shall proceed with actions necessary to take over the work and correct the defective work after 5 days Notice in writing to the CONTRACTOR. The CONTRACTOR shall pay the OWNER all damages and costs including overhead of the OWNER occasioned by inaction on the part of the CONTRACTOR.

## 9. WORKING CONDITIONS

9.1 The CONTRACTOR shall perform the work in a safe manner in conformance with all applicable safety Rules and Regulations, of the OWNER'S safety plan; the CONTRACTOR shall adhere to this plan in the performance of his work as applicable. Permits or fines related to the work of the CONTRACTOR will be his responsibility. All trash, debris and or excess materials accumulating as result of the work in this agreement shall be removed upon completion or at the direction of the OWNER, as it becomes a hindrance to other contractors

## 10. NON-DISCRIMINATION

10.1 During the performance of the CONTRACT, the CONTRACTOR agrees as follows:

10.1.A. The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin or disabilities, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the CONTRACTOR. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

10.1.B. The CONTRACTOR, in all solicitations or advertisements for employees placed by or in behalf of the CONTRACTOR, will state that such CONTRACTOR is an equal opportunity employer.

10.1.C. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

10.2 The CONTRACTOR will include the provisions of part 10.1 above in every subcontract or purchase order over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

10.3 By signing this CONTRACT the CONTRACTOR certifies to the OWNER that he will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act the Americans With Disabilities Act and Section 11-51 of the Virginia Public Procurement Act **2326** this is a public project within the Commonwealth of Virginia.

11. CHANGES

11.1 No alteration, deviation, addition or omission from the work to be performed hereunder shall be made, except as authorized by written Change Order or written Extra Work Order as provided by the OWNER. No demand shall be made on the OWNER because of any alteration, deviation, addition or omission made by the CONTRACTOR without prior written approval. Any cost incurred by the OWNER due to an unauthorized Change or Extra, the sum shall be deducted from the progress payment to the CONTRACTOR.

11.2 The OWNER shall have the right, in its own opinion, if job conditions or the usual progress of the work under the CONTRACT shall so require, to vary the sequence or to suspend in whole or in part the performance of the work hereunder.

12. CLAIMS

12.1 In the event the CONTRACTOR asserts any claim for extra work, delay or changed conditions, the CONTRACTOR shall notify the OWNER in writing, of the specific nature of the claim and the amount of damages then known or projected within ten (10) days of the occurrence. Failure to give such notice shall constitute waiver of claim. The CONTRACTOR agrees to furnish such documentation as the OWNER may request within ten (10) days of the request.

12.2 All back charges to the OWNER for work or materials furnished by the CONTRACTOR must be approved in writing by the OWNER'S authorized representative. All invoices for back charges must include a copy of the OWNER'S written approval document and are to be submitted with the CONTRACTOR'S monthly progress payment request.

13. DISPUTES AND ARBITRATION

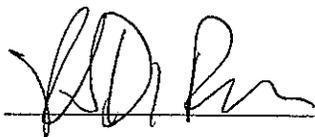
13.1 Any dispute or claim arising out of, or relating to this CONTRACT AGREEMENT or breach thereof shall be settled in accordance with the rules of the American Arbitration Association, Construction Industry Section, and the CONTRACTOR shall not delay or stop the Work during the arbitration procedure and the award of the arbitrator shall be final and binding.

13.2 AH matters relating to the validity, performance, interpretation or construction of the CONTRACT AGREEMENT or the breach thereof shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. The CONTRACTOR shall not institute any action or proceeding, in any way relating to this CONTRACT AGREEMENT, against the OWNER and/or OWNER'S Surety or Insurance Carriers, except in a court of competent jurisdiction in the City of Chesapeake, Commonwealth of Virginia. The locale of any arbitration shall be Norfolk, Virginia and the arbitration shall be administered by the Regional Office, American Arbitration Association.

This Agreement entered into as of the day and year first written above.

OWNER: **CPM Virginia LLC**

CONTRACTOR: **C&M Contracting**

 12/2/03

\_\_\_\_\_

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

November 25, 2003

C&M Contracting, Inc.  
Mr. Ron Curry  
530 Woodlake Drive  
Chesapeake, VA 23320

**RE: Etheridge Greens, Phase 1A – AC #014082 00**

Dear Mr. Curry:

As per your request, please find enclosed one permit bond form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$320,000.00 and the permit fee is \$1,650.00. This will cover the land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

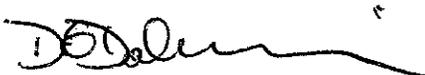
"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all stormwater management facilities in accordance with approved plan of Etheridge Greens Golf Course Phase 1A".

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractor's public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Please note that no permits will be issued for this job until the issue regarding the pavement thickness at the north end of right of way improvements has been resolved.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD/ses  
Enclosure

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

September 16, 2003

Combustion Products Management, Inc.  
Mr. Robert S. Diberandinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: Etheridge Greens, Phase 1A – AC #014082 00**

Dear Mr. Diberandinis:

As per your request, please find enclosed one permit bond form, one land disturbing permit application, two unsigned land disturbing permits ~~and two unsigned rights of way permits~~ and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$320,000.00 and the permit fee is \$1,650.00. This will cover the ~~rights of way~~ land disturbing and stormwater permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26, Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

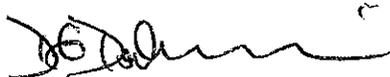
"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all ~~retention/detention areas~~ stormwater management facilities in accordance with approved plan of Etheridge Greens Golf Course Phase 1A".

*DGD*  
9/24/03

If a letter of credit is to be used as bond, it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event, be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond will result in a processing fee.

Should you require any additional information, please contact me at (757) 382-6304.

Sincerely,



David G. Dombroski  
Permits Engineer

DGD/ses  
Enclosure

**TYPICAL TRAFFIC CONTROL  
FLAGGING OPERATION ON TWO-LANE ROAD  
(FIGURE TTC-20.1)**

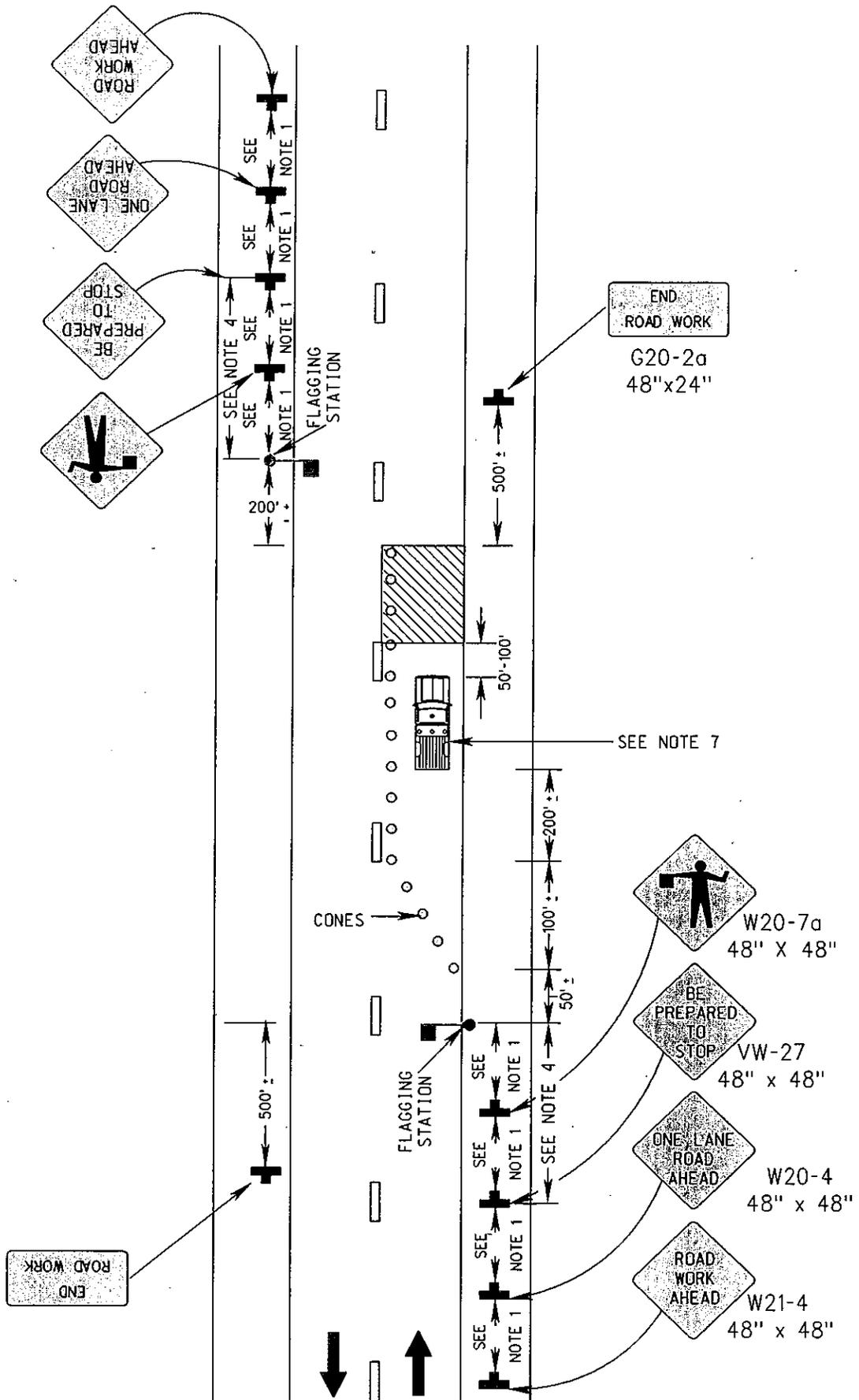
**NOTES**

1. Sign spacing distance should be 500'-800' where the posted speed limit is greater than 45 mph, and 350'-500' where the posted speed limit is 45 mph or less.
2. Where R/W or geometric conditions prevent the use of 48" x 48" signs, 36" x 36" signs, may be used.
3. Flagging stations shall be located far enough in advance of the work zone to permit approaching traffic to reduce speed and/or stop before passing the work zone and allow sufficient distance for departing traffic in the left lane to return to the right lane before reaching opposing traffic.
4. A supplemental flagger may be required in this area to give advance warning of the operation ahead by slowing approaching traffic prior to reaching the flagger station or queued traffic. If the queue of traffic reaches the "BE PREPARED TO STOP" sign, then the signs must be readjusted at greater distances.
5. All flaggers must be state certified and have their certification card in their possession when performing flagging duties. (See Section 6E-2, Qualifications For Flaggers)
6. Care should be exercised when establishing the limits of the work zone to insure maximum possible sight distance in advance of the flagger and transition, based on the posted speed limit and at least equal to or greater than the values in Appendix A, page A-8.
7. A truck with at least one rotating amber light or high intensity amber strobe light, shall be parked 50'-100' in advance of the first work crew.
8. Cone spacing shall be at the following:

| <u>Location</u>    | <u>Speed (mph)</u> |            |
|--------------------|--------------------|------------|
|                    | <u>0-35</u>        | <u>36+</u> |
| Transition Spacing | 20'                | 40'        |
| Travelway Spacing  | 40'                | 80'        |

FLAGGING OPERATION PERMITTED FROM 9AM TO 3PM

**TRAFFIC ENGINEERING**  
REVIEW COMMENT DATE 12/10/03  
INITIALS HEW



FLAGGING OPERATION ON TWO-LANE ROAD  
FIGURE TTC-20.1



COMBUSTION PRODUCTS MANAGEMENT, INC.

CPM

July 27, 2003

Mr. Cliff Sipe  
Atlantic Coastal Contractors  
Chesapeake, VA 23320

Dear Mr. Sipe:

CPM Virginia LLC sent you a letter on June 12, 2003 notifying you of several material breaches of our agreement. Pursuant to the agreement, under the Term of Agreement clause, you had forty-five days to cure these breaches. You have refused to do so.

Given your failure to cure, I am hereby notifying you that the agreement is terminated, effective immediately. Please remove all your equipment from the site.

Also pursuant to the Term of Agreement clause, you are required to remove all bonding secured by you.

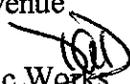
Very truly yours,

Neil Wallace

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ray A. Conner, Commissioner of the Revenue

**FROM:** David G. Dombroski, Permits Engineer, Public Works 

**DATE:** July 2, 2003

**RE:** Etheridge Green, Phase 1 – AC #014082 00

---

For your files, please find attached copies of the land disturbing permit application and land disturbing permit No.N0300864 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ray A. Conner, Commissioner of the Revenue

**FROM:** David G. Dombroski, Permits Engineer, Public Works 

**DATE:** July 2, 2003

**RE:** Etheridge Green, Phase 1 – AC #014082 00

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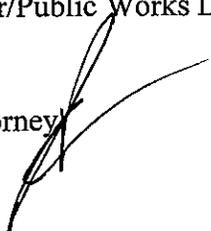
For your files, please find attached copies of the land disturbing permit application and land disturbing permit No.N0300864 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

## MEMORANDUM

To: David G. Dombroski, Permits Engineer/Public Works Dept.

From: Joseph M. DuRant, Assistant City Attorney 

Re: Etheridge Green  
Ac# 01408200  
Permit Bond

Date: June 24, 2003

Please note that the above-referenced document has been approved as to form and is being returned to you for further handling.

Enclosure

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

**MEMORANDUM**



**TO:** Mr. Ronald S. Hallman, City Attorney *DG*  
**FROM:** David G. Dombroski, Permits Engineer, Public Works  
**DATE:** June 23, 2003  
**SUBJECT:** Etheridge Green, AC# 01408200

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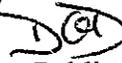
Please find attached permit bond for the referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD/mdw  
Attachment

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney 

**FROM:** David G. Dombroski, Permits Engineer, Public Works

**DATE:** June 23, 2003

**SUBJECT:** Etheridge Green, AC# 01408200

---

---

Please find attached permit bond for the referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD/mdw  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

June 13, 2003

C&M Contracting, Inc.  
Mr. Ron Curry  
530 Woodlake Circle  
Chesapeake, VA 23320

**RE: Etheridge Green – AC #014082 00**

Dear Mr. Curry:

As per your request, please find enclosed one permit bond form, two unsigned right of way permits and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$184,000.00 and the permit fee is \$1605.00. This will cover the right of way and storm water permits only. It is the responsibility of the permittee to obtain all permits that may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

"Construct all improvements and stormwater management facilities in accordance with approved plan of Etheridge Greens, Phase 1"

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD/ses  
Enclosure

**City of Chesapeake**  
Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6101  
Fax. (757) 382-6310  
Fax. (757) 382-8537

**FAX COVER SHEET**

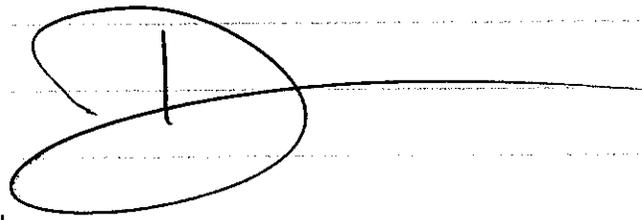
|  |  |
|--|--|
| <b>TO:</b><br>Cliff Sipe                 | <b>FROM:</b><br>Dave Dombroski                                 |
| <b>Company Name:</b><br>Atlantic Coastal | <b>Date:</b><br>6/10/03  |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547-5727           | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS Permits and Bonds

- Urgent     Reply ASAP     Please Comment     Please Review     For Your Information
- As Requested     As Discussed

Total pages, including cover: 13

**COMMENTS:** GIVE ME A CALL IF YOU NEED ANYTHING ELSE.



- Original will be sent via US Mail
- Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

**\*\* Transmit Conf. Report \*\***

P.1

Jun 10 2003 8:57

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 95475727         | NORMAL | 10, 8:57 | 4'33" | 13   | * O K  |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|  |  |
|--|--|
| <b>TO:</b><br>Cliff Side                 | <b>FROM:</b><br>Dave Dombroski                                 |
| <b>Company Name:</b><br>Atlantic Coastal | <b>Date:</b><br>6/10/03  |
| <b>Office Location:</b>                  | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547-5727           | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** Etheridge GREENS Permits and Bonds

- Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information

- As Requested   
  As Discussed

Total pages, including cover: 13

**COMMENTS:** GIVE ME A CALL IF YOU NEED ANYTHING ELSE

**W. B SIVITER & ASSOCIATES, INC.**  
**BONDING AND INSURANCE**

1711 Jack Frost Road  
Virginia Beach, VA. 23455

Phone: (757) 499-6572  
FAX: (757) 499-4480

6/3/2003

Dave Dombrowski  
City of Chesapeake  
Permits & Inspections  
Chesapeake, Virginia

Etheridge Greens Golf Course - Permit/E&S Bond, Excavation Permit (Stormwater Management) Bond - Atlantic Coastal Clearing & Grading, Inc.

Dear Dave, :

I have been informed by Mr. Cliff Sipe of Atlantic Coastal Clearing & Grading, Inc. that additional excavation by another contractor is underway at the Etheridge Greens Golf Course. Mr. Sipe has not approved or been asked to approve any additional work that pertains to his contract.

This additional work is between the owner and the contractor and is not a part of Atlantic Coastals' contract. The two above mentioned bonds provided to the city on behalf of Atlantic Coastal cover the original contract and any approved and acknowledged additions or deletions that are agreed upon by the Owner, Principal, and Obligee that appear on the bonds.

Mr. Sipe has not agreed, acknowledged or approved this additional work. Therefore, the above referenced bonds do not cover or include this work.

If you should have any questions, please feel free to give me a call.

Sincerely,



Robert M. Siviter, Attorney-in-Fact  
Fidelity & Deposit Company of Maryland

W.B. SIVITER & ASSOCIATES, INC.  
1711 JACK FROST ROAD  
VIRGINIA BEACH, VA 23455

FAX NUMBER: 757-499-4480

TELEPHONE NUMBER: 757-499-6572

TO: City of Ches.  
FAX#: 757-382-6310  
ATTENTION: Dave Dombrowski  
FROM: W.B. SIVITER & ASSOCIATES, INC.  
SENDER: Bob Siviter

DATE: 6-4-03  
PAGE 1 OF: 2

TYPE OF MESSAGE:

- URGENT: Contact Me Immediately
- NORMAL
- FOR YOUR REVIEW
- RUSH
- LET'S DISCUSS BY \_\_\_\_\_
- PLEASE TELEPHONE ME TODAY
- OTHER \_\_\_\_\_

REMARKS: ORIGINAL to FOLLOW in mail

**ROUTING & MEMO**

02-13206

Cher Boulic

From: \_\_\_\_\_

To: \_\_\_\_\_

Receiver Initial & Route To

Date: \_\_\_\_\_

2343

1. \_\_\_\_\_ Subject: \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Action \_\_\_\_\_

Immediate  Routine

Dave Martin

270 501 4899A  
EX 5131103

VFL Technology, Corp  
16 Hagerly Blvd

West Chester PA

- prepare \_\_\_\_\_ copies & return
- note & file
- note & return
- note & see me about this \_\_\_\_\_
- answer, send copy of letter
- prepare reply for my signature
- take charge of this
- investigate & return
- to be corrected & returned
- to be signed & returned
- to be checked & returned
- to be signed & mailed in envelopes
- to be filled in & returned
- immediate action desired
- for your information
- your comments or recommendations
- in accordance with your request
- to be signed & mailed to \_\_\_\_\_

P 612 918 100 19382  
F 610 918 7222

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

December 20, 2002

Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

**RE: Etheridge Greens, AC# 014082**

Dear Mr. Manning:

The site plan (erosion and sediment control) for the referenced project received on December 18, 2002, is ready for approval upon incorporation of the following items.

1. Specify the bottom elevations of the additional water features.
2. Specify the proposed outfall inverts for the additional water features.
3. Include the BMP data on the coversheet.
  - a. Ownership of BMP – Private or Public
  - b. Type of BMP (Wet or Dry Detention, Infiltration Trench or Basin, Dry Well, Grass Swales w/Check Dam or Water Quality Inlet)
  - c. Storage Capacity of BMP (acre – feet)
  - d. Drainage Watershed of BMP

Should you have any questions or need additional information, please contact me at (757) 382-6257.

Sincerely,



Ed West, P.E.  
Engineer II

cc: Mr. David G. Dombroski, Permits Engineer  
File Room (w/enclosures – 2)

Mr. Robert DiBerardinis  
Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, Virginia 23322



**Hassell & Folkes, P.C.**  
*Engineers Surveyors Planners*

James B. Folkes, P.E.  
James B. Folkes, P.E.

November 18, 2002

James B. Folkes, P.E.  
James B. Folkes, P.E.  
James B. Folkes, P.E.  
James B. Folkes, P.E.

Mr. J.B. Tate, P.E.  
DEPARTMENT OF PUBLIC WORKS  
City of Chesapeake  
306 Cedar Road  
Chesapeake, VA 23320



RE: ETHERIDGE GREENS GOLF COURSE  
(AC #014082-00)

Dear Mr. Tate:

I have tried unsuccessfully on several occasions to reach you by telephone regarding your letter dated November 4, 2002 concerning the above referenced subject matter. As you know the drainage design with the widening along Centerville Turnpike was actually mandated by the Public Works Department. It is my understanding that this design has created a situation where the curb and gutter at this location does not have an acceptable foundation, and there is concern that the curb and gutter may simply separate from the pavement and fall into the ditch. Physical inspection of the existing conditions does not reveal any evidence to support this concern, but just the same, I understand your concern. Unfortunately it is clear that further extension of the existing drainage pipe to allow this perceived problem will require a drainage easement, which the current owner of the affected property is unwilling to grant. We are in a position to show this extension on the approved plans, but are unable to authorize construction of the additional pipe without the necessary drainage easement. Once again we were placed in this situation as a result of Public Works requirements for approval of the construction plans.

With reference to the pavement section issue along Centerville Turnpike at the northwest corner of the improvements, it was our assumption as well as Public Works that the pavement was going to fail within the first three (3) months upon completion of construction as a result of the milling work performed. In fact the reverse has occurred. The pavements look just as good today as it did six (6) months ago when the improvements were completed. In other words, to my surprise and probably to yours, nothing is broken. I would suggest some type of agreement for the life of the project (approximately five years) that would hold the developer responsible for any failures along that section of the Centerville Turnpike improvements.

Mr. J.B. Tate, P.E.  
DEPARTMENT OF PUBLIC WORKS  
November 18, 2002  
Page - 2 -  
RE: ETHERIDGE GREENS GOLF COURSE  
(AC #014082-00)

In addition, there was a concern at this same location that the curb and gutter was too low with respect to the pavement cross section. I have personally visited the site on many occasions and have never witnessed anything unusual or defective regarding the elevation of the referenced curb and gutter. If there is in fact a problem, please advise specifically as to the problem as you view it.

Finally, there is apparently an issue regarding the driveway that was constructed to serve the Grissom property. The concrete driveway is equal to or better than the earthen driveway that previously served the property. Additionally, the driveway was constructed exactly in accordance with the approved construction plans. If there is in fact an issue regarding this item please advise.

In conclusion I suggest the following:

1. Our clients cannot obtain the necessary drainage easement on the east side of Centerville Turnpike for the requested extension of the storm drain. I can however guarantee the pipe extension, if the City can provide the drainage easement.
2. Require the developer through whatever means necessary to be responsible for maintenance of the Centerville Turnpike improvements through the life of the project (approximately five years).
3. Leave the existing private driveway in place as it is significantly better than the previous earthen driveway.

Please contact me at your earliest convenience to resolve these issues in finality.

Very truly yours,

HASSELL & FOLKES, P.C.



S. Grey Folkes, Jr., P.E.

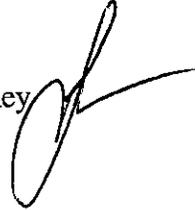
SGF/kb

Enclosures

## MEMORANDUM

To: David G. Dombroski, Permits Engineer/Public Works Dept.

From: Joseph M. DuRant, Assistant City Attorney



Re: Interstate Fleet Service  
Ac# 02403500  
Permit Bond

Etheridge Greens Golf Course  
Ac# 01408200  
Permit Bond

Date: October 10, 2002

Please note that the above-referenced document has been approved as to form and is being returned to you for further handling.

Enclosure

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

November 4, 2002

Mr. Wymer W. Manning, III, P.E.  
Hassell and Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

RE: Etheridge Greens Golf Course (Centerville Turnpike Improvements)  
AC# 014082-00

Dear Mr. Manning:

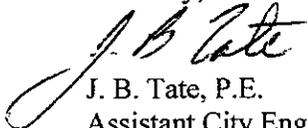
In March and April of this year, the Department of Public Works worked closely with Hassell and Folkes, as well as the contractor, to expedite the opening of the Centerville Turnpike/Whittamore Road intersection. On April 3, 2002, during a field meeting, there were multiple items identified as deficiencies (see City letter dated April 19, 2002). At that time, there were commitments made to correct the deficiencies. At least one of the design/construction issues creates a safety and roadway stability concern. Based on these deficiencies, the City agreed to open the intersection improvements conditionally.

It has now been over six months since the intersection was opened, and there appears to be no action on the part of the engineer and/or developer to complete the improvements in an acceptable manner. Therefore, it is Public Works' opinion that the referenced development has violated the stipulations of UP-01-03.

If Public Works has not received an acceptable schedule for completing the intersection improvements within two weeks, we will have no alternative but to pursue a revocation of the Use-Permit. Public Works will work with the City Attorney's Office and the Zoning Administrator to suspend all hauling until there is compliance with the stipulations. The outstanding issues regarding this intersection clearly warrant the City's aggressive pursuit of every legal remedy.

It is our hope that these issues will be resolved this month without further action. We remain available to do everything in our authority to help facilitate completion of the intersection. If you have any questions, please call.

Sincerely,



J. B. Tate, P.E.  
Assistant City Engineer

cc: Combustion Products Management, Inc.  
c/o Mr. Robert DiBerardinis

Inner-View Ltd.  
c/o Mr. W. Lewis Witt

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

October 4, 2002

Hassell & Folkes, P.C.  
Mr. Wymer W. Manning, III, P.E.  
325 Volvo Parkway  
Chesapeake, VA 23320

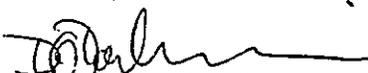
**RE: Etheridge Greens Golf Course (Centerville Turnpike Improvements) - AC #014082 00**

Dear Mr. Manning:

Reference is made to your letter of April 5, 2002 and Mr. J.B. Tate's letter of April 19, 2002, copies enclosed, wherein it was agreed that certain infrastructure improvements would be completed within the following 90 days. The time period has elapsed and the improvements remain incomplete. Please provide a time line, not to exceed 30 days, indicating when these items are to be completed.

If I can be of any assistant regarding this matter, please call me at (757) 382-6304.

Cordially,

  
David G. Dombroski  
Permits Engineer

cc: J.B. Tate, P.E., Assistant City Engineer (w/enclosures)  
Thomas D. Crawford, P.E., Development Review Supervisor

Inner-View, LTD  
Mr. W. Lewis Witt  
1140 Kempsville Road  
Chesapeake, VA 23324

Combustion Products Management, Inc.  
Mr. Robert DiBerardinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney   
**FROM:** David G. Dombroski, Permits Engineer, Public Works  
**DATE:** October 4, 2002  
**RE:** Etheridge Greens Golf Course - AC #014082 00

---

Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD:ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX



**MEMORANDUM**

**TO:** Mr. Ronald S. Hallman, City Attorney *DGD*  
**FROM:** David G. Dombroski, Permits Engineer, Public Works  
**DATE:** October 4, 2002  
**RE:** **Etheridge Greens Golf Course - AC #014082 00**

Please find attached permit bond for the above referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD:ses  
Attachment

**\*\* Transmit Conf. Report \*\***

P. 1

Sep 11 2002 16:22

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 94994480         | NORMAL | 11,16:22 | 0'42" | 1    | * O K  |      |



of Chesapeake

September 11, 2002

Atlantic Coastal Clearing  
Mr. Mike Semonich  
916 Executive Court  
Chesapeake, VA 23320

|                   |          |         |                |            |   |
|-------------------|----------|---------|----------------|------------|---|
| Post-It® Fax Note | 7671     | Date    | 9/11/02        | # of pages | 1 |
| To                | DAWN     | From    | JANE Damburski |            |   |
| Co./Dept.         |          | Co.     | CHES PW        |            |   |
| Phone #           |          | Phone # | 382-6304       |            |   |
| Fax #             | 499-4480 | Fax #   | 382-6310       |            |   |

Department of Public Works  
1000 Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

**RE: Etheridge Greens Golf Course, AC # 01408200**

Dear Mr. Semonich,

As per your request please find enclosed one permit bond form and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$220,000.00 and the permit fee is \$150. This will cover the stormwater permit only. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage bond is as follows:

“Construct all stormwater management facilities in accordance with approved plan of Etheridge Greens Golf Course.”

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

2352

Cordially,

September 11, 2002

Atlantic Coastal Clearing  
Mr. Mike Semonich  
916 Executive Court  
Chesapeake, VA 23320

|                   |          |         |                |            |   |
|-------------------|----------|---------|----------------|------------|---|
| Post-it® Fax Note | 7671     | Date    | 9/11/02        | # of pages | 1 |
| To                | DAWN     | From    | DAVE DOMBROSKI |            |   |
| Co./Dept.         |          | Co.     | CHES DPO       |            |   |
| Phone #           |          | Phone # | 382-6304       |            |   |
| Fax #             | 409-4460 | Fax #   | 382-6310       |            |   |

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

**RE: Etheridge Greens Golf Course, AC # 01408200**

Dear Mr. Semonich,

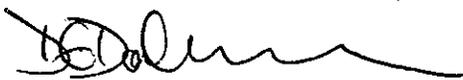
As per your request please find enclosed one permit bond form and two unsigned stormwater permits for the referenced site. The required permit bond amount is \$220,000.00 and the permit fee is \$150. This will cover the stormwater permit only. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage bond is as follows:

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If I can be of any assistance regarding this matter, please advise.

Cordially,



David G. Dombroski  
Permits Engineer

DGD:ses  
Enclosure

Department of Public Works  
PO Box 15225, Chesapeake, Virginia 23328  
Phone: (757) 382-6101 • Fax: (757) 382-8537

# LETTER OF CONFIRMATION

To: Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

|   |            |
|---|------------|
| DATE: May 6, 2002                       | AC# 014082 |
| ATTENTION: Wymer W. Manning, III., P.E. |            |
| RE: Etheridge Greens Golf Course        |            |
|   |            |
|   |            |
|   |            |
|   |            |

**GENTLEMEN:**

**THIS LETTER IS TO CONFIRM THE FOLLOWING:**

TELEPHONE CONVERSATION       OTHER: Review of E & S plan revision

DATE: May 6, 2002      TIME: \_\_\_\_\_

AT WHICH TIME WE DISCUSSED: Butch,

The revision to the approved Erosion and Sediment Control Plan is ready for approval following resolution of two items.

(1) The construction entrance on the E & S plan is shown in a different location from the entrance in the field and on the approved plans showing the Whittamore Road improvements.

(2) Please include the BMP data in a table on the plan cover sheet. Indicate the ownership, type of BMP, storage capacity in acre-feet, and the drainage watershed, per PFM volume I, page 1-7.

SIGNED:  ENGINEER II

cc: File,  Dave Dombrowski

*If you do not concur with the above, please notify the sender at once.*

Department of Public Works  
PO Box 15225, Chesapeake, Virginia 23328  
Phone: (757) 382-6101 • Fax: (757) 382-8537

# LETTER OF CONFIRMATION

To: Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

|   |            |
|---|------------|
| DATE: May 6, 2002                       | AC# 014082 |
| ATTENTION: Wymer W. Manning, III., P.E. |            |
| RE: Etheridge Greens Golf Course        |            |
|   |            |
|   |            |
|   |            |
|   |            |

**GENTLEMEN:**

**THIS LETTER IS TO CONFIRM THE FOLLOWING:**

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DATE: May 6, 2002      TIME: \_\_\_\_\_

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(2) Please include the BMP data in a table on the plan cover sheet. Indicate the ownership, type of BMP, storage capacity in acre-feet, and the drainage watershed, per PFM volume I, page 1-7.

SIGNED:  ENGINEER II

cc: File, Dave Dombrowski

*If you do not concur with the above, please notify the sender at once.*

Department of Public Works  
PO Box 15225, Chesapeake, Virginia 23328  
Phone: (757) 382-6101 • Fax: (757) 382-8537

## LETTER OF CONFIRMATION

To: Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

|                                  |            |
|----------------------------------|------------|
| DATE: April 30, 2002             | AC# 014082 |
| ATTENTION: S. Grey Folkes, P.E.  |            |
| RE: Etheridge Greens Golf Course |            |
|                                  |            |
|                                  |            |
|                                  |            |
|                                  |            |

### GENTLEMEN:

THIS LETTER IS TO CONFIRM THE FOLLOWING:

TELEPHONE CONVERSATION       OTHER: Meeting at site

DATE: April 29, 2002      TIME: \_\_\_\_\_

AT WHICH TIME WE DISCUSSED: Whittamore Road failing pavement areas.

As agreed, patch the failing pavement area per City of Chesapeake standard PC-1, in the areas as marked by City Inspector. Pavement section to match that shown on the approved plans (March 21, 2002), sheet 3 of 9. The patch must extend at least to the center of the drive lane. If the patched area extends beyond the center of the lane, then extend the patch to the center of pavement.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

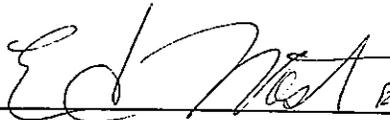
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNED:  ENGINEER II

cc: File, Dave Dombrowski, Jay Tate, P.E., Butch Manning, P.E.

*If you do not concur with the above, please notify the sender at once.*

TO: Inner View

FROM: KW Harrell

DATE: 4/23/02

SUBJECT: Etheridge Greens

MESSAGE: All failing areas will need to be restored using the PC-1 standard. All public roads will need to be maintained so as not to be a hazard to the public on a daily basis. Currently there are 3 areas on Whiramore Rd needing your immediate attention.

REPLY:

RECEIVED AND ACKNOWLEDGED  
J. S. HANNA

CG-24,083/R-93

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

April 19, 2002

Mr. Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Pkwy.  
Chesapeake, VA 23320

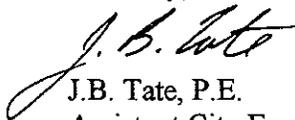
**RE: ETHERIDGE GREENS GOLF COURSE  
(CENTERVILLE TURNPIKE IMPROVEMENTS)  
AC# 014082-00**

Dear Mr. Manning:

In reference to our field meeting on April 3, 2002, and your subsequent letter, dated April 5, 2002; the following design issues should also be addressed within the same 90-day period.

1. The proposed ditch improvements in the northeast quadrant require a revision. As discussed, the best solution would be to get authorization to extend the ditch piping. Not under any circumstance shall the shoulder width that existed prior to this project be reduced. This is significantly more important, given the curve radius at this location.
2. The curb that was constructed in the northwest quadrant appears to be at an unacceptably low elevation relative to existing pavement. The final product must provide a consistent cross-slope across the through-lane (no cross-slope change between the centerline and edge of pavement). As indicated in your letter, this cannot be accomplished by reducing the existing pavement section.
3. The existing entrance that was constructed in the northeast quadrant is narrower than the existing entrance. If this reduction is unsatisfactory to the property owner, this project will have to widen the entrance.
4. Pavement markers must be added in accordance with MUTCD 3B.13. See attached details for your use.

Sincerely,



J.B. Tate, P.E.  
Assistant City Engineer

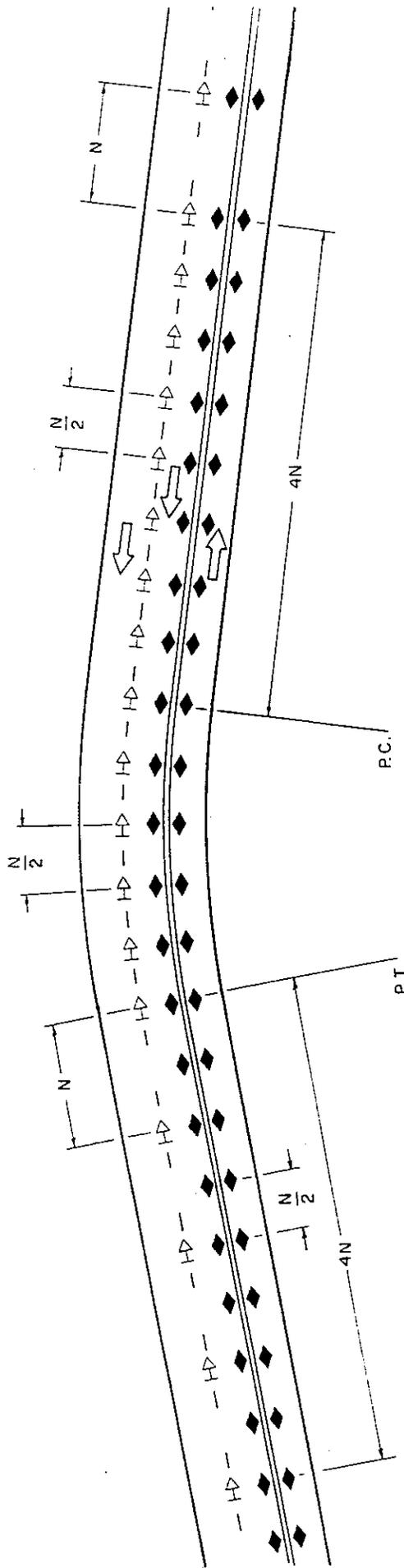
JBT:bmd  
Attachments

cc: Thomas D. Crawford, P.E., Development Plan Supervisor  
David G. Dombroski, Permits Engineer

C:\BMD Files\Ubt\04-18-02 Etheridge Greens Gulf Course.doc

Figure 8.

# Three Degree or More Curve Three Lane Two Way



**KEY:**

- ◆ Double Yellow
- ◆ Double White
- ◀ Single Yellow
- ◀ Single White
- ◀ Yellow & White
- ◀ White & Red

N = Normal Spacing

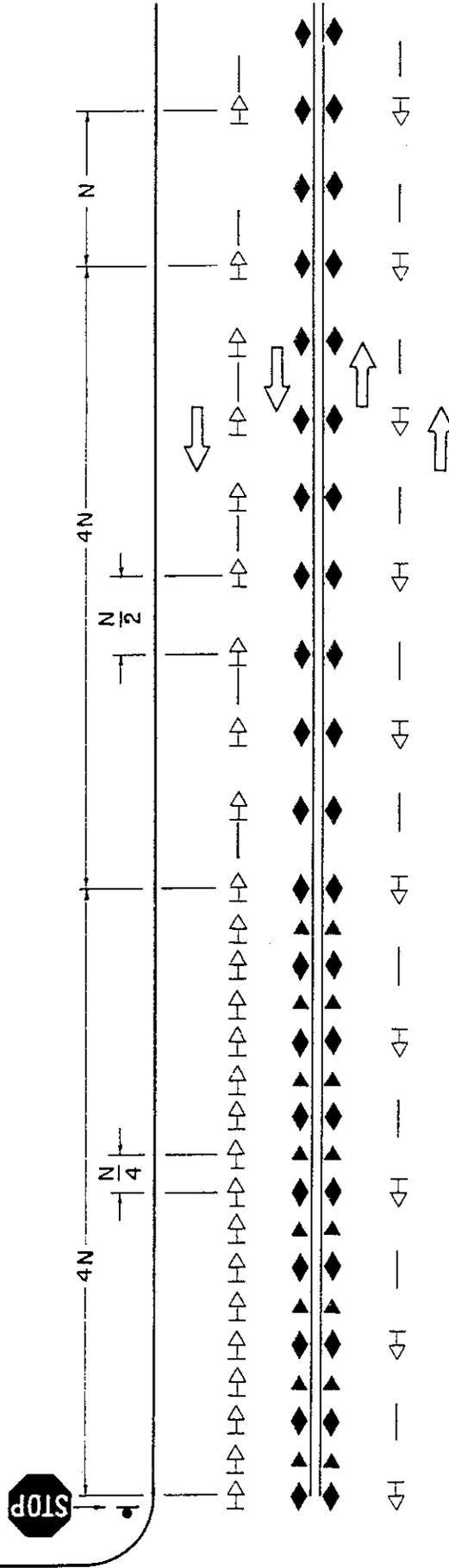


**SIGNAL PRODUCTS  
DIVISION**

|             |                               |      |         |
|-------------|-------------------------------|------|---------|
| DRAWN BY    | <i>J. Schell</i>              | DATE | 4/24/11 |
| RECOMMENDED | <i>James F. Smith</i>         | DATE | 4/27/11 |
| APPROVED    | <i>James E. Williams</i> P.E. | DATE | 5/1/11  |

Figure 13.

# Controlled Approach to Intersection Four Lane



**KEY:**

- ◆ Double Yellow
- ◇ Double White
- ▼ Single Yellow
- ▽ Single White
- ◄ Yellow & White
- ◄ White & Red
- N = Normal Spacing



**SIGNAL PRODUCTS  
DIVISION**

|             |                          |       |             |
|-------------|--------------------------|-------|-------------|
| DRAWN BY    | <i>J. Schell</i>         | DATE  | 4/24/74     |
| RECOMMENDED | <i>Lawrence Z. Smith</i> | DATE  | 4/27/78     |
| APPROVED    | <i>John E. Wilson</i>    | P. E. | DATE 5/1/78 |

April 9, 2002

Mr. Wymer W. Manning, III, P.E.  
Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, Virginia 23320

**RE: Master Drainage Study for Etheridge Greens Golf Course, AC# 014082**

Dear Mr. Manning:

Enclosed is one (1) copy of the Master Drainage Study for Etheridge Greens Golf Course received on April 5, 2002 and approved. This approval is based on land use conditions presented in the study. Any deviation from the approved plan to include field conditions that are different will have to be submitted as a plan revision and approved by this department prior to construction.

If I can be of further assistance, you may reach me at (757) 382-6257.

Yours very truly,



Ed West  
Engineer II

Enclosure (1)

cc: Mr. David G. Dombroski, Permits Engineer  
File Room (w/enclosure - 1)

Mr. Robert DiBerardinis  
Combustion Products Management, Inc.  
1229 Kingsbury Drive  
Chesapeake, Virginia 23322



**Hassell & Folkes, P.C.**  
Engineers Surveyors Planners

April 5, 2002



T. Ray Hassell III, L.S.  
(1932-1984)  
Bradford G. Folkes, P.E.  
Consultant

S. Grey Folkes, Jr., P.E.  
Leigh Anne Folkes, P.E.  
Wymer W. Manning, III, P.E.  
John A. O'Connor, P.E.  
Greg R. Deubler, P.E.  
Donald N. Jennings, P.E.  
Christopher D. Capozzi, L.S.  
James R. Bradford, C.L.A.

Mr. Dave Dombroski  
DEPARTMENT OF PUBLIC WORKS  
City of Chesapeake  
P.O. Box 15225  
Chesapeake, VA 23328

RE: **ETHERIDGE GREENS GOLF COURSE**  
**(CENTERVILLE TURNPIKE IMPROVEMENTS)**

Dear Mr. Dombroski:

Pursuant to our telephone conversation this morning, this letter will memorialize our agreement concerning the proposed improvements being constructed with the referenced project. As identified on the construction plans and in the field, from Station 5+50 to Station 7+80 in the south bound lane, the proposed mill and overlay operation could reduce the overall pavement section within the existing paved area. Due to contract restraints and in accordance with the use permit requirements, the road improvements must be completed prior to delivery of the golf course construction material.

In order to meet the deadline, we request that the City of Chesapeake allow the contractor to complete the mill and overlay operation as depicted on the approved construction plans, with the understanding that the contractor will return within the next ninety (90) days and replace the pavement sections within Centerville Turnpike, which are less than what the existing sections were before the mill and overlay operation was completed. I have attached a copy of the profile sections, where the rework would have to be completed and we will also complete some sample pavement cores, to insure we have sufficiently identified the areas which will be rebuilt.

We appreciate your attention in this matter and if you should have any questions please do not hesitate to call.

Very truly yours,

HASSELL & FOLKES, P.C.

Wymer W. Manning, III, P.E.

WWM/kb

Enclosures

cc: Mr. Robert DiBerardinis  
Mr. Lewis Witt  
Mr. Jay Tate, P.E.

**COMMONWEALTH OF  
VIRGINIA**

Soil and Water Conservation Board  
203 Governor Street, Suite 206, Richmond,  
Virginia 23219  
Telephone (804) 786-2064



**EROSION AND SEDIMENT  
CONTROL  
RESPONSIBLE LAND  
DISTURBER**

Expires  
07/16/2004

**Daniel A Sanders, Jr**

Certificate Number  
10297



*Jack E. Frye*  
Director  
Division of Soil & Water Conservation

# FAX

Hassell & Folkes, P.C.

Date: April 5, 2002  
Total # of Pages Sent: 2  
(including cover sheet)

325 Volvo Parkway  
Chesapeake, Virginia 23320  
Telephone: 757-547-9531  
Facsimile: 757-547-9481

**PLEASE DELIVER TO :**

**FAX # :**

Dave Dambroski

382-6310

Lewis White

547-7611

**FROM:**

W. W. Manning III, P.E.

**RE:** Sheridge Greens Golf Course  
Centerville Turnpike

**HARD COPY TO FOLLOW:**



**MESSAGE:**

Per our telecon this AM.

Butch



**Hassell & Folkes, P.C.**  
*Engineers Surveyors Planners*

S. Grey Folkes, Jr., P.E.  
Leigh Anne Folkes, P.E.  
Wymen W. Manning, III, P.E.  
John A. O'Connor, P.E.  
Greg R. Daubler, P.E.  
Donald N. Jennings, P.E.  
Christopher D. Capozzi, L.S.  
James R. Bradford, C.L.A.

April 5, 2002

T. Ray Hassell III, L.S.  
(1952-1984)  
Stratford C. Folkes, P.E.  
Consultant

Mr. Dave Dombroski  
DEPARTMENT OF PUBLIC WORKS  
City of Chesapeake  
P.O. Box 15225  
Chesapeake, VA 23328

RE: ETHERIDGE GREENS GOLF COURSE  
(CENTERVILLE TURNPIKE IMPROVEMENTS)

Dear Mr. Dombroski:

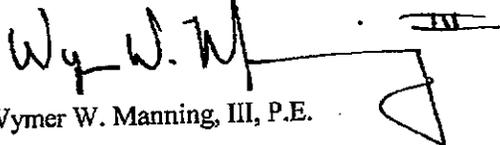
Pursuant to our telephone conversation this morning, this letter will memorialize our agreement concerning the proposed improvements being constructed with the referenced project. As identified on the construction plans and in the field, from Station 5+50 to Station 7+80 in the south bound lane, the proposed mill and overlay operation could reduce the overall pavement section within the existing paved area. Due to contract restraints and in accordance with the use permit requirements, the road improvements must be completed prior to delivery of the golf course construction material.

In order to meet the deadline, we request that the City of Chesapeake allow the contractor to complete the mill and overlay operation as depicted on the approved construction plans, with the understanding that the contractor will return within the next ninety (90) days and replace the pavement sections within Centerville Turnpike, which are less than what the existing sections were before the mill and overlay operation was completed. I have attached a copy of the profile sections, where the rework would have to be completed and we will also complete some sample pavement cores, to insure we have sufficiently identified the areas which will be rebuilt.

We appreciate your attention in this matter and if you should have any questions please do not hesitate to call.

Very truly yours,

HASSELL & FOLKES, P.C.

  
Wymer W. Manning, III, P.E.

WWM/kb

Enclosures

cc: Mr. Robert DiBerardinis  
Mr. Lewis Witt  
Mr. Jay Tate, P.E.

325 Volvo Parkway, Chesapeake, VA 23320 (757) 547-9531 • FAX (757) 547-9481

(EGREENS.043)

2365

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works <sup>DGD</sup>

**DATE:** April 3, 2002

**RE:** Etheridge Greens - AC #014082 00

---

Please find attached permit bond for the referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD/ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

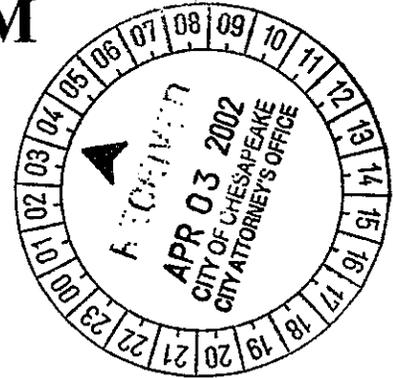
**MEMORANDUM**

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works

**DATE:** April 3, 2002

**RE:** Etheridge Greens - AC #014082 00



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Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

*approved*

DGD/ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

March 26, 2002

Atlantic Coastal Clearing and Grading  
Mr. Mike Semonich  
916 Executive Ct.  
Chesapeake VA 23320

**RE:           ETHERIDGE GREEN GOLF COURSE  
              AC# 01408200**

Dear Mr. Semonich:

As per your request please find enclosed one permit bond form, one land disturbing permit application and two unsigned land disturbing permits for the referenced site. The required permit bond amount is \$200,000.00 and the permit fee is \$2925.00. This will cover the land disturbing permit only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26 Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

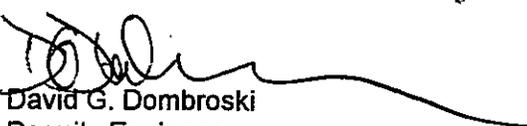
"Clearing, filling, excavating, grading or transporting or any combination thereof and installation and maintenance of all erosion and sediment control facilities in accordance with approved plan of Etheridge Greens Golf Course"

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. Also, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond.

The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,

  
David G. Dombroski  
Permits Engineer

DGD:lg

Enclosure

C:\LEG\Correspondence\DGD\Semonich.2.L17-01408200.doc

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

March 21, 2002

Hassell & Folkes, P.C.  
325 Volvo Parkway  
Chesapeake, VA 23320

Attn: Mr. Wymer W. Manning, III

**RE: ETHERIDGE GREENS, AC # 014082 00**

Dear Mr. Manning,

Enclosed is one (1) copy of the revised site plan received on March 12, 2002 approved for construction of E & S, Entrance, Drainage, and Street Improvements.

This approval is based on your certification that the design of all improvements conforms to the current Public Facilities Manual. Any non conforming designs must be corrected prior to acceptance of the improvements.

Certain minor revisions are noted in red on the plans. These plans are approved subject to incorporation of these revisions.

This approval is subject to the same provisions as the approved plan of January 28, 2002.

The changes approved by this revision are as follows:

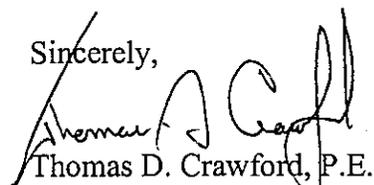
1. Curb notch at Station 11+00.
2. Curve geometry and L=WS transition lengths as well as cross sections & grades.

Any further deviation from the approved plan will have to be submitted as a plan revision and approved by this Department prior to construction.

At the time of construction, should field conditions be different from those represented by the plans, a plan revision must be submitted to this office for approval prior to construction on any items that could be affected by the revision.

Should you have any questions or need additional information, please contact me at (757) 382-6498.

Sincerely,



Thomas D. Crawford, P.E.  
Development Review Supervisor

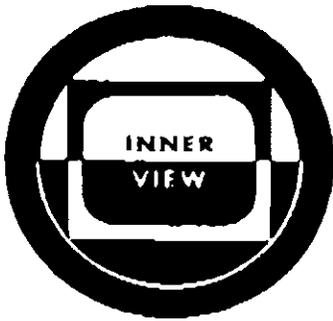
Etheridge Greens  
March 21, 2002  
Page 2

TDC/mdw

Enclosure

cc: Mr. Tim Davis, Zoning Administrator (w/enclosure – 1)  
Department of Public Utilities (w/enclosure – 1)  
Mr. David G. Dombroski, Permits Engineer (w/enclosures – 2)  
Mr. Harold W. Creason, Fire Inspector  
File Room (w/enclosures – 2)

Combustion Products Management Inc.  
1229 Kingsbury Drive  
Chesapeake, VA 23322



# INNER-VIEW

1140 KEMPSVILLE ROAD  
CHESAPEAKE, VIRGINIA 23320  
PHONE (757) 547-9711  
FAX (757) 547-7611

March 13, 2002

Department of Public Works  
Traffic Engineering  
P. O. Box 15225  
Chesapeake, Virginia 23328

Re: Etheridge Greens, Centerville Turnpike and Whittamore Road Improvements

Dear Sirs:

In conjunction with our request of March 12, 2002 for extended working hours, we submit the notes and traffic control plan (TTC-3.0), for a stationary operation on the shoulder of Centerville Turnpike. The exception to the typical plans is that signage would be on the side of the road where the work is being performed. Please see attached Sketch 1.

If you have any questions, please contact this office.

Sincerely,



Andrew C. Hampton  
Project Manager

**TYPICAL TRAFFIC CONTROL  
STATIONARY OPERATION ON SHOULDER  
(FIGURE TTC-3.0)**

**NOTES**

1. On divided highways having a median wider than 8', left and right sign assemblies shall be required.
2. Sign spacing distance should be 1000'-1500' for limited access highways, and on all other roadways 500'-800' where the posted speed limit is greater than 45 mph, and 350'-500' where the posted speed limit is 45 mph or less.
3. Cone spacing shall be at the following:

| Location           | Speed (mph) |     |
|--------------------|-------------|-----|
|                    | 0-35        | 36+ |
| Transition Spacing | 20'         | 40' |
| Travelway Spacing  | 40'         | 80' |

4. The buffer space length shall be 500' ± for posted speeds of 45 mph and greater, and 200' ± for posted speeds less than 45 mph.
5. Cone Taper Length (L):

| Speed Limit<br>M.P.H. | Taper Length<br>Lane Width In Feet |     |     |
|-----------------------|------------------------------------|-----|-----|
|                       | 10                                 | 11  | 12  |
| 25                    | 105                                | 115 | 125 |
| 30                    | 150                                | 165 | 180 |
| 35                    | 205                                | 225 | 245 |
| 40                    | 270                                | 295 | 320 |
| 45                    | 450                                | 495 | 540 |
| 50                    | 500                                | 550 | 600 |
| 55                    | 550                                | 605 | 660 |
| 60                    | 600                                | 660 | 770 |
| 65                    | 650                                | 715 | 780 |

The minimum length for a shoulder taper is 300' on limited access highways, and 1/3 L for all other roadways.

6. A vehicle with either an arrow board operating in the caution mode, or at least one rotating amber light or alternating high intensity amber strobe light shall be parked 50'-100' in advance of the first work crew.

\* 7. SEE ADDITIONAL NOTES ATTACHED.

**TRAFFIC ENGINEERING**

REVIEW COMMENT DATE 03/13/02

INITIALS AGS

**GENERAL NOTES FOR  
TYPICAL TRAFFIC CONTROL PLANS  
FOR THE CITY OF CHESAPEAKE**

The following are general notes for typical and modified traffic control plans submitted to Traffic Engineering for review and approval. Only the notes checked will apply. In the event of a detour additional notes may apply.

- Work may only be performed between DAYLIGHT and HOURS.
- Work shall only be performed on \_\_\_\_\_.
- No work shall be performed on holidays, weekends, or Fridays.
- Flagging stations shall be lighted with floodlights during night working hours.
- All side streets within the work zone or sign sequence shall also be signed.
- The roadway shall be restored to all traffic by the end of each workday.
- Only the lane adjacent to the work area may be reduced to a minimum 10' width. All other lanes shall remain unaffected.
- All open holes or trenches shall be backfilled and the shoulder made ready to handle emergency traffic by the end of each workday.
- No materials of construction shall be stockpiled within the "Clear Zone" as defined by the VDOT "Roadside Design Guide."
- No equipment or machinery shall be left/parked, unattended, within the "Clear Zone" as defined by the VDOT "Roadside Design Guide," while work is not being performed.
- Priority shall be given to all school busses and emergency vehicles during flagging operations.
- Contact Kevin Epply at 382-6177 at least 48 hours prior to any open cutting near signalized intersections.
- Contractor shall provide police assistance to maintain traffic control and safety.
- Contact Andy Smith at 382-6300 at least 48 hours prior to beginning work.
- Open holes or trenches shall not be left unattended or unprotected whenever work is not being performed.
- Any and all damaged or removed traffic signal appurtenances, traffic control devices, and/or pavement markings shall be restored by the contractor.

**TRAFFIC ENGINEERING**

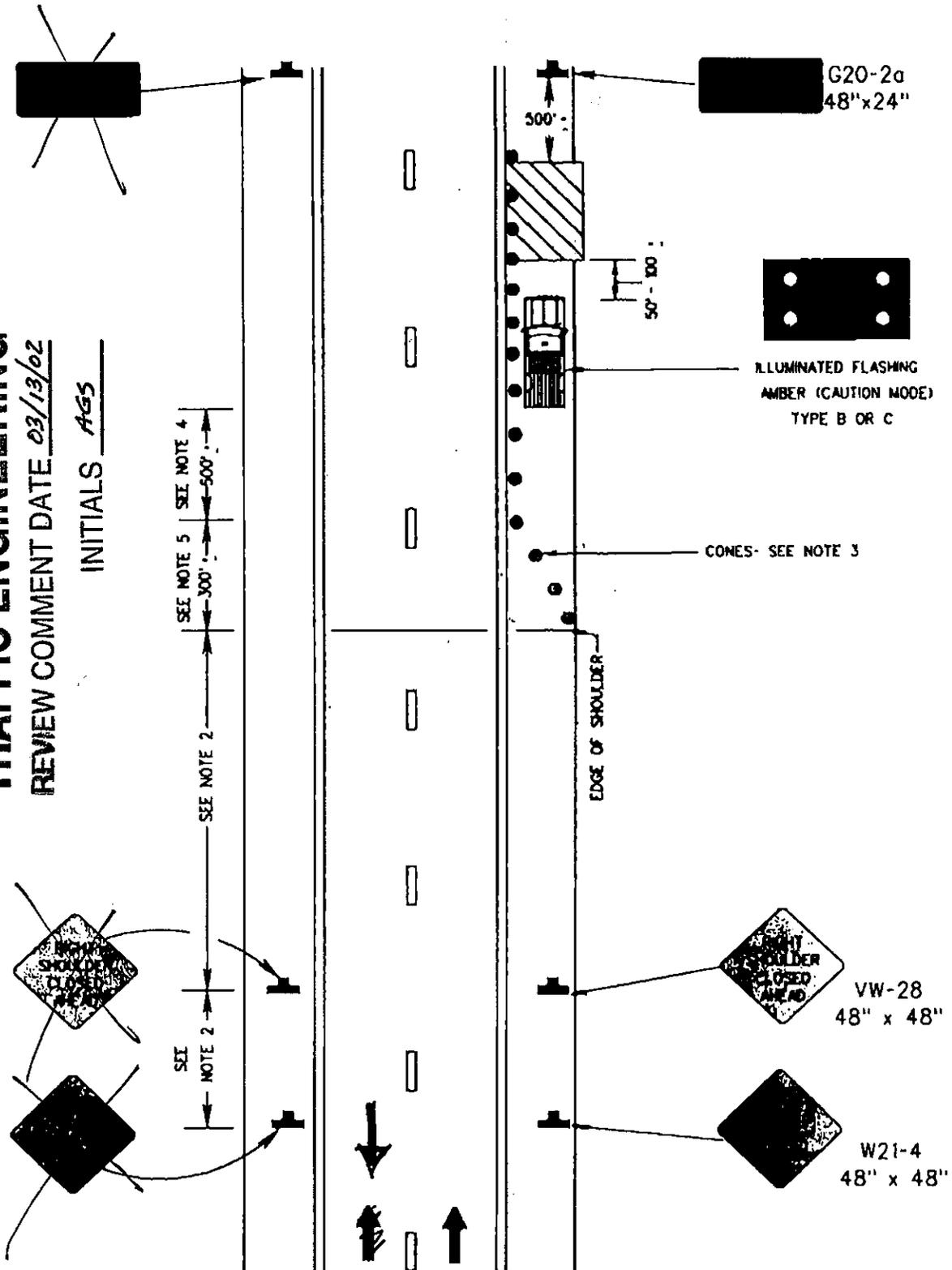
REVIEW COMMENT DATE 03/23/02

INITIALS AGS

**TRAFFIC ENGINEERING**

REVIEW COMMENT DATE 03/13/02

INITIALS AGS



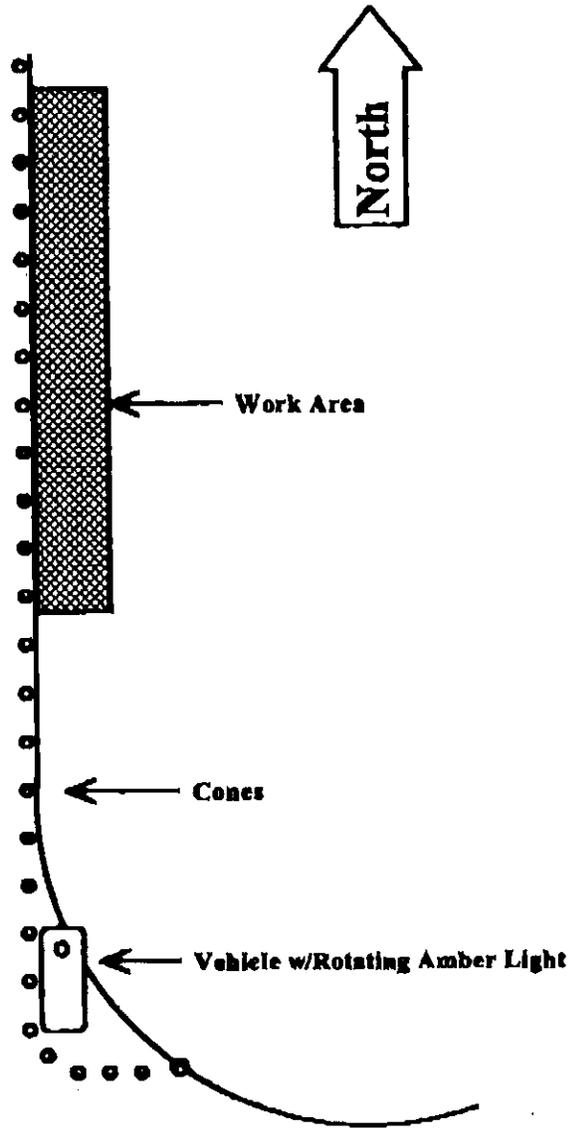
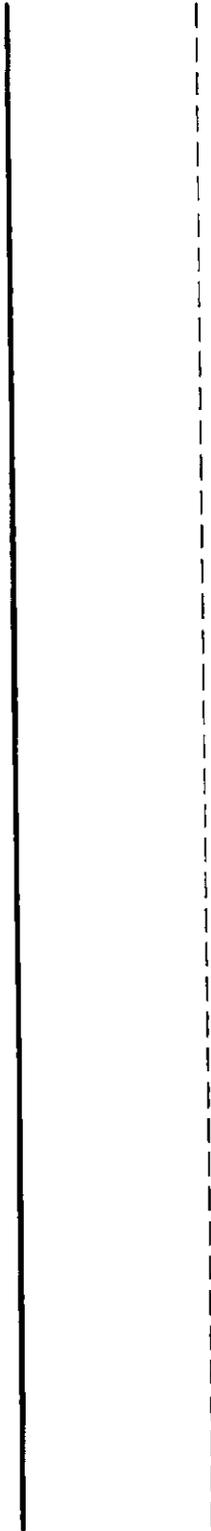
STATIONARY OPERATION ON SHOULDER  
FIGURE TTC-3.0

**TRAFFIC ENGINEERING**

REVIEW COMMENT DATE 03/13/02

INITIALS Ass

Centerville Turnpike



Whittamore Road

**Traffic Control Plan - Shoulder work on  
Centerville Turnpike  
Inner-View, Ltd.  
Sketch 1**

2375

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Mick Lestyan, City Arborist, Inspections

**FROM:** David G. Dombroski, Permits Engineer, Public Works 

**DATE:** February 28, 2002

**RE:** ~~Emerald~~ **ETHEAIDAE** Emerald Greens - AC #014082 00

---

For your files please find attached copies of the land disturbing permit application and land disturbing permit No. N0200269 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

Department of Public Works  
Post Office Box 1522  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

## MEMORANDUM

**TO:** Mr. Ray A. Conner, Commissioner of the Revenue

**FROM:** David G. Dombroski, Permits Engineer, Public Works

**DATE:** February 28, 2002

**RE:** **ETHERIDGE**  
~~Emerald~~ Greens - AC #014082 00

---

For your files please find attached copies of the land disturbing permit application and land disturbing permit No. N0200269 for the referenced site.

Should you need additional information, please advise.

DGD/ses  
Attachment

Built/plan :  
worst case Dutch CS

**City of Chesapeake**  
Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328-5225  
(757) 382-6101  
Fax. (757) 382-6310  
Fax. (757) 382-8537

**FAX COVER SHEET**

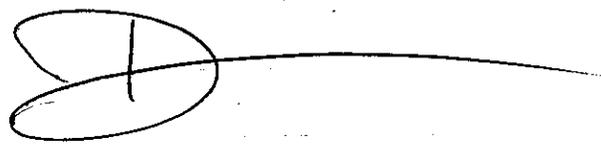
|                                    |  |
|------------------------------------|--|
| <b>TO:</b><br>Andy Hampton         | <b>FROM:</b><br>DAVE DOMBROSKI                                 |
| <b>Company Name:</b><br>INNER VIEW | <b>Date:</b><br>2/27/02  |
| <b>Office Location:</b>            | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547-7611     | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** ETHERIDGE GREENS - PERMITS

- Urgent     Reply ASAP     Please Comment     Please Review     For Your Information
- As Requested     As Discussed

Total pages, including cover: 3

**COMMENTS:** I'll mail the hard copies



- Original will be sent via US Mail
- Unless requested otherwise, this is the only copy you will be sent.

Copy Forwarded to: \_\_\_\_\_

**\*\* Transmit Conf. Report \*\***

P.1

Feb 27 2002 16:21

| Fax/Phone Number | Mode   | Start    | Time  | Page | Result | Note |
|------------------|--------|----------|-------|------|--------|------|
| 95477611         | NORMAL | 27,16:21 | 2'25" | 3    | OK     |      |



**City of Chesapeake**  
 Department of Public Works  
 Post Office Box 15225  
 Chesapeake, Virginia 23328-5225  
 (757) 382-6101  
 Fax. (757) 382-6310  
 Fax. (757) 382-8537

**FAX COVER SHEET**

|                                     |  |
|-------------------------------------|--|
| <b>TO:</b><br>Andy Hampton          | <b>FROM:</b><br>Dave Dombroski                                 |
| <b>Company Name:</b><br>TANNER VIEW | <b>Date:</b><br>2/27/02  |
| <b>Office Location:</b>             | <b>Division/Office Location:</b><br>PUBLIC WORKS - ENGINEERING |
| <b>Fax Number:</b><br>547-7611      | <b>Phone Number:</b><br>382-6304                               |

**SUBJECT:** ETHERIDGE GREENS - PERMITS

Urgent   
  Reply ASAP   
  Please Comment   
  Please Review   
  For Your Information

As Requested   
  As Discussed

Total pages, including cover: 3

**COMMENTS:** I'll mail the hard copies

## MEMORANDUM

To: David G. Dombroski, Permits Engineer/Public Works Dept.

From: Joseph M. DuRant, Assistant City Attorney

Re: Etheridge Greens  
Ac #01408200  
Permit Bond

Date: February 27, 2002

Please note that the above-referenced document has been approved as to form and is being returned to you for further handling.

Enclosure

## MEMORANDUM

**TO:** Mr. Ronald S. Hallman, City Attorney

**FROM:** David G. Dombroski, Permits Engineer, Public Works

**DATE:** February 26, 2002

**RE:** Etheridge Greens - AC #014082 00

---

Please find attached permit bond for the referenced site. The bond amount is correct.

Please approve same as to form and return to this office for further handling.

Please call Sherri Sheffield at ext. 6269 when ready for pick up.

DGD/ses  
Attachment

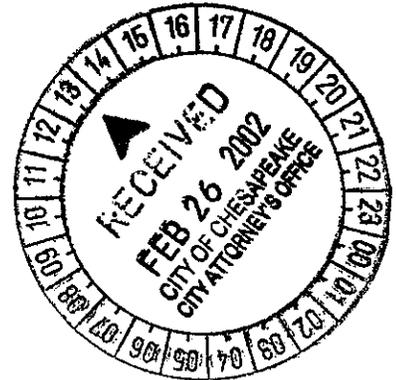
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**DATE:** February 26, 2002

**RE:** Etheridge Greens - AC #014082 00



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DGD/ses  
Attachment

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

February 22, 2002

Inner View Ltd.  
Andy Hampton  
1140 Kempsville Road  
Chesapeake, VA 23324-8127

**RE: Etheridge Greens – AC #014082 00**

Dear Mr. Hampton:

As per your request, please find enclosed one permit bond form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned right of way permits for the referenced site. The required permit bond amount is \$82,000.00 and the permit fee is \$462.00. This will cover the right of way and land disturbing permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26 Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all improvements in accordance with approved plan of Etheridge Greens".

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. In addition, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,

FOR   
David G. Dombroski  
Permits Engineer

DGD/ses

G:\SEFOLDER\bsherr\DGD\01408200-022202-L15.doc

INDCMO1  
USER LUTHER2  
2.0.2V 061401

CITY OF CHESAPEAKE DEVELOPMENT  
INSPECTIONS DEPARTMENT

DATE 02/22/02  
TIME 08:45:17

DISPLAY CONTRACTOR

Contractor Number 1273 Name INNER VIEW LTD  
Type I 2nd Name \_\_\_\_\_  
Mailing c/o \_\_\_\_\_  
Street 1140 KEMPSVILLE ROAD  
City CHESAPEAKE State VA ZIP 233248127  
Phone 8045479711 FAX \_\_\_\_\_

State Registration Number 2701016639A State Expiration Date 083197  
City License Y/R R City License Number 0000000  
Allow Temporary CO \_

"One Stop" Automatic Land Disturbing Certification Information  
State Number \_\_\_\_\_ Name \_\_\_\_\_ Expiration Date \_\_\_\_\_

Current Value \$ \_\_\_\_\_ Previous Value \$ \_\_\_\_\_

F1 HELP

F3 EXIT

F8 CONTRACTOR NOTES



Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

February 22, 2002

Inner View Ltd.  
Andy Hampton  
1140 Kempsville Road  
Chesapeake, VA 23324-8127

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If I can be of any assistance regarding this matter, please advise.

Cordially,

FOR   
David G. Dombroski  
Permits Engineer

DGD/ses

G:\SEFOLDER\bshem\DGD\01408200-022202-L15.doc

# PERMIT BOND

Bond No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we \_\_\_\_\_

Principal, and \_\_\_\_\_, a corporation duly incorporated under the laws of the State of \_\_\_\_\_, Surety, are held and firmly bound unto the City of Chesapeake in the full and just sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), current money of the United States, to be paid to the said City of Chesapeake, to the payment whereof we hereby bind ourselves and each of us, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, sealed, with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_\_.

WHEREAS, the principal hereunder has been, or will be granted, a permit or permits for the following purposes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOW, THEREFORE, The condition of this obligation is such that if the said principal, \_\_\_\_\_

shall in all respects comply with provisions of the permit or permits granted or to be granted and the requirements for permits as set forth in the City Code in effect at time of issuing permit and shall idemnify and save harmless the City of Chesapeake against and from all loss, cost, expense, damage or injury to highways, streets, avenues, roads, bridges, curbs and gutter, culverts and drainage ditches, and to persons and property lawfully on such highways, arising out of activity authorized by the permit or permits, then this obligation shall be void and no effect, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, said principal and surety have caused these presents to be executed and their seals affixed the day and year first above written.

\_\_\_\_\_  
(Principal)

Witness:

By \_\_\_\_\_ (Seal)

\_\_\_\_\_  
(Address)

Approved as to form

\_\_\_\_\_  
(Surety)

By \_\_\_\_\_ (Seal)  
(Attorney-in-Fact)

\_\_\_\_\_  
Assistant City Attorney

CG-24,027/Revised April, 2000  
Previous editions are obsolete

# ACKNOWLEDGMENT OF PRINCIPAL

STATE OF \_\_\_\_\_,  
\_\_\_\_\_ of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_ a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ President of \_\_\_\_\_

Address: \_\_\_\_\_

whose name is signed to the above bond, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
personally appeared before me in my \_\_\_\_\_ aforesaid, and acknowledged the same.

I further certify that my term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

# AFFIDAVIT AND ACKNOWLEDGMENT OF SURETY

STATE OF \_\_\_\_\_,  
\_\_\_\_\_ of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_ a notary public in and for the  
\_\_\_\_\_ aforesaid, in the State aforesaid, do certify that  
\_\_\_\_\_ personally appeared before me in  
my \_\_\_\_\_ aforesaid and made oath that he/she is  
\_\_\_\_\_ of the \_\_\_\_\_

that he/she is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, dated  
\_\_\_\_\_, and recorded in the Clerk's Office of the \_\_\_\_\_

of \_\_\_\_\_, in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_, a certified copy of which is  
attached hereto (required); that said power of attorney has not been revoked; that the said company has complied with all the  
requirements of the law regulating the admission of such companies to transact business in the State of Virginia; that the said  
company holds the certificate of the Commissioner of Insurance authorizing it to do business in the State of Virginia; that it has a  
paid-up cash capital of not less than \$250,000; that the paid-up capital, plus the surplus and undivided profits of said company, is

\$ \_\_\_\_\_ that the penalty of the foregoing bond is not in excess of ten percentum of said  
sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal named in said  
bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said

company is solvent and fully able to meet promptly all its obligations, and the said \_\_\_\_\_  
thereupon, in the name and on behalf of the said company, acknowledged the foregoing writings as its act and deed.

My term of office expires \_\_\_\_\_, 20\_\_\_\_\_.

Given under my had this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

# City of Chesapeake

Department of Public Works

## Land Disturbing Permit Application

### Section I

#### Land Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Work: \_\_\_\_\_

Description of Land Disturbing Activity: \_\_\_\_\_

### Section II

#### Right of Entry

I hereby grant designated representative of the City of Chesapeake the right to enter my Property for the purpose of evaluation, review, inspection and monitoring of the land disturbing activities and related soil erosion and sediment control measures described herein and in the erosion and sediment control plan. I acknowledge that it is my responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all required permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

\_\_\_\_\_  
Signature of Land Owner

\_\_\_\_\_  
Date

### Section III

#### Plan Implementation

The permittee and Responsible Land Disturber (RLD) shall certify their intentions below.

Permittee

RLD

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

I certify that I fully understand the requirements of the Chesapeake Erosion and Sediment Control Program and agree to properly perform the erosion and sediment control measures included in the approved plan and permit and will comply with the provisions of the Erosion and Sediment Control Ordinance of Chesapeake, Virginia.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of RLD

\_\_\_\_\_  
Cert #  
Or Seal

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

02/22/02

Permit Number N 0200269 00  
Project AC Number 014082 00

Permit Date 02/22/02  
Tax Map Number 0620000000020

Description of Land Disturbing Activity. Clearing, filling, excavating, grading or transporting or any combination thereof in accordance with approved plan of ETHERIDGE GREENS

Location of Work 00000 NEED A STREET NAME

Contractor Number 1273

Name INNER VIEW LTD

1140 KEMPSVILLE ROAD

City CHESAPEAKE

State VA Zip 233248127 Phone

It is the landowner's responsibility to obtain appropriate clearances from other regulatory agencies. Improvements in any tidal or non-tidal wetlands area may require U.S. Army Corps of Engineers, Virginia Dept. of Environmental Quality, Coast Guard and/or local Wetlands Board approval. Approval and all permits from the proper environmental authorities shall be obtained prior to land disturbing activities.

In accordance with the provisions of Chapter 26 Article III of the City Code entitled "Erosion and Sediment Control Ordinance of Chesapeake, Virginia," the City of Chesapeake here by grants the permittee the right to engage in the land disturbing activities described in this permit at the location specified. Soil erosion that may arise from the aforesaid land disturbing activities shall be controlled by the soil erosion and sediment control measures described in and shown on the attached copy of the erosion and sediment control plan approved 1/16/02 and any Special Provisions contained herein. The work shall be carried out in accordance with the City of Chesapeake soil conservation program policies and practices described in the Chesapeake Erosion and Sediment Control Handbook. The Permittee is responsible for having knowledge of and adhering to the requirements described therein.

The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

Receipt is acknowledged of bond, letter of credit or cash escrow security described below in the amount of \$82,000.00 as a performance guarantee for the soil conservation actions referred to herein and to insure the City may take the aforesaid emergency soil conservation measures at the expense of Permittee should Permittee fail to do so within the specified time.

Performance Guarantee: Bond Number 014082 00 02

A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by LUTHER

pwppn 3.0.3V  
102301

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
LAND DISTURBING PERMIT

02/22/02

Permit Number N 0200269 00  
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State VA Zip 233248127 Phone

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The erosion and sediment control work shall be performed in accordance with requirements of the approved soil erosion and sediment control plan in a manner satisfactory to the Department of Public Works, and if not so performed the City may in its discretion have emergency soil conservation measures taken at the expense of Permittee and/or Surety. The City of Chesapeake reserves full municipal control over subject of this permit.

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A charge equal to the cost of inspections shall be paid to the City prior to the release of the performance guarantee for the erosion and sediment control project.

Permittee agrees to perform the soil erosion and sediment control work herein described and to notify the Chesapeake Department of Public Works when the land disturbing activity commences and when the work has been completed.

Signature of Permittee \_\_\_\_\_

Processed by LUTHER

2392

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

02/22/02

Permit Number C 0200267 00  
Project AC Number/Bond Number 014082 00 02

Permit Date 02/22/02

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS  
Total Value of Construction \$82,000.00

Tax Map Number 0620000000020  
Property Street 00000 NEED A STREET NAME Suite Zip

Contractor Number 1273 Type of Contractor I  
Licence Number City 0000000 State 2701016639A  
Name INNER VIEW LTD C/O  
2nd Name  
Address 1140 KEMPSVILLE ROAD  
City CHESAPEAKE State VA Zip 233248127 Phone 8045479711

Permission is hereby granted the permittee, insofar as the City of Chesapeake  
has the right and power to grant same, to perform the above described work at  
the location specified in accordance with City Standards.

The work shall be carried out in accordance with Chapter 66 of the Chesapeake  
City Code, entitled "Streets and Sidewalks," and PERMIT STANDARD PROVISIONS.  
Said work shall be completed in a manner satisfactory to the Department of  
Public Works within 180 days from the date of this permit and if not so  
completed the Department of Public Works may, in its discretion, complete  
the work at the expense of the applicant. The City of Chesapeake reserves full  
municipal control over the subject of this permit.

Receipt is acknowledged of \$312.00 which covers fees for inspection.

Processed by LUTHER

\_\_\_\_\_  
PW signature date

Permittee further agrees to notify the Department of Public Works when the  
work herein referred to begins and when completed and to maintain said work  
thereafter in a manner approved.

Signature Permittee: \_\_\_\_\_

Permit is not valid without customer and Public Works signatures, exact fee  
and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

CITY OF CHESAPEAKE  
PUBLIC WORKS DEPARTMENT 382-6101  
COMMERCIAL ROW PERMIT

02/22/02

Permit Number C 0200267 00  
Project AC Number/Bond Number 014082 00 02

Permit Date 02/22/02

Description of work. Construct all improvements in accordance with approved  
plan of: ETHERIDGE GREENS  
Total Value of Construction \$82,000.00

Tax Map Number 0620000000020  
Property Street 00000 NEED A STREET NAME Suite Zip

Contractor Number 1273 Type of Contractor I  
Licence Number City 0000000 State 2701016639A  
Name INNER VIEW LTD C/O  
2nd Name  
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City CHESAPEAKE State VA Zip 233248127 Phone 8045479711

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Said work shall be completed in a manner satisfactory to the Department of  
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municipal control over the subject of this permit.

Receipt is acknowledged of \$312.00 which covers fees for inspection.

Processed by LUTHER

\_\_\_\_\_  
PW signature date

Permittee further agrees to notify the Department of Public Works when the  
work herein referred to begins and when completed and to maintain said work  
thereafter in a manner approved.

Signature Permittee: \_\_\_\_\_

Permit is not valid without customer and Public Works signatures, exact fee  
and permit electronically approved.

\* \*\*\*\*\*  
\*  
\* ATTENTION \*  
\* ALL DISTURBED PUBLIC RIGHT-OF-WAY MUST BE FULLY RESTORED WITHIN \*  
\* TWO WEEKS OF INITIAL DISTURBANCE \*  
\*  
\* \*\*\*\*\*  
\*  
\* 48 HOURS NOTICE MUST BE GIVEN TO THE PUBLIC WORKS PERMIT ENGINEER \*  
\* 382-6101 BEFORE BEGINNING CONSTRUCTION ON PUBLIC RIGHT-OF-WAY. \*  
\*  
\* \*\*\*\*\*

Department of Public Works  
Post Office Box 15225  
Chesapeake, Virginia 23328  
(757) 382-6101  
(757) 382-6310 FAX  
(757) 382-8537 FAX

February 6, 2002

Combustion Products Management, Inc.  
Mr. Bob DiBerardinis  
1229 Kingsbury Drive  
Chesapeake, VA 23322

**RE: Etheridge Greens – AC #014082 00**

Dear Mr. DiBerardinis:

As per your request, please find enclosed one permit bond form, one land disturbing permit application, two unsigned land disturbing permits and two unsigned right of way permits for the referenced site. The required permit bond amount is \$82,000.00 and the permit fee is \$462.00. This will cover the right of way and land disturbing permits only. Please be advised that obtaining a land disturbing permit does not authorize the operation of a borrow pit or the excavation of retention/detention area; these types of excavations must be approved, bonded and conducted in accordance with Chapter 26 Article VII of the Chesapeake City Code. It is the responsibility of the permittee to obtain all permits which may be required by any other regulatory agencies. Please be advised that authorization under Section 404 of the Clean Water Act may be required prior to discharging dredged or fill material into wetlands on this or any other site. The verbiage for the permit bond is as follows:

"Clearing, filling, excavating, grading or transporting or any combination thereof, installation and maintenance of all erosion and sediment control facilities and construction of all improvements in accordance with approved plan of Etheridge Greens".

If a letter of credit is to be used as bond it must be good for one year longer than the permit and it must be negotiable in the local Hampton Roads area. Please contact me for more detailed information regarding the execution of the bond form if a letter of credit is to be used. In any event be certain that the name and title of the person or persons signing any and all documents is typed beneath their signature. Only the president or a vice-president may sign for a corporation unless a valid power of attorney for the person signing is submitted with the documents that person signed. In addition, the permittee must submit evidence of contractors public liability insurance (insurance certificate) with the permit bond. The amount of the insurance policy cannot be less than \$50,000.00. Failure to submit the insurance certificate with the bond form will result in a processing delay.

If I can be of any assistance regarding this matter, please advise.

Cordially,

  
David G. Dombroski  
Permits Engineer

DGD/ses

G:\SE\FOLDER\bsherr\DGD\01408200-020602-L15.doc

Docket Item "G"

UP-01-03  
Etheridge Greens

CITY COUNCIL PACKAGE FOR  
JUNE 20, 2001

**Chesapeake**  
VIRGINIA



|      |         |                               |
|------|---------|-------------------------------|
| Page | 1       | Application Summary Sheet     |
|      | 3 - 7   | Planning Commission Minutes   |
|      | 9 - 29  | Staff Reports: April 30, 2001 |
|      | 31 - 44 | April 2, 2001                 |
|      | 45 - 47 | Special Power of Attorney     |
|      | 49 - 50 | Affidavit                     |
|      | 51 - 53 | Site Plan                     |
|      | 55      | Location Map                  |

# APPLICATION SUMMARY SHEET

## UP-01-03 Etheridge Greens

**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.

**PROPOSAL:** A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.

**SUBMITTED:** 02-12-01                      **Accepted:** 02-14-01

---

### STAFF RECOMMENDATION

Approve with stipulations

---

### PLANNING COMMISSION

**HEARING DATES:** 04-11-01, 05-09-01

**ACTION:** APPROVED with stipulations

**VOTE:** 9-0

---

### ATTACHMENTS

*Minutes, Staff Reports, Special Power of Attorney, Affidavit. Site Plan, Location Map*

---



**UP-01-03**

**PROJECT:** Etheridge Greens  
**APPLICANT:** Robert S. Diberardinis  
**AGENCY:** Hassell & Folkes, P.C.  
**PROPOSAL:** A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.  
**ZONE:** A-1 Agricultural District  
**SIC CODE:** 7992, 7999  
**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.  
**TAX MAP SECTION/PARCEL:** 0620000000020  
**BOROUGH:** Butts Road  
*(Continued from April 11, 2001 Public Hearing)*

**COMMISSION ACTION:**

**APPROVED** with the following stipulations: (Collins/Wilfore 9-0)

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.
5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid



GOLF COURSE  
217±  
2001

- linear effect. Landscaping shall be subject to approval by the City Arborist.
6. The applicant agrees that a 5 percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
  7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the PFM prior to the issuance of a certificate of occupancy.
  8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
  9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.
  10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).

- 
11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Health Department. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
  - 12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
  13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
  14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within AICUZ noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.
  15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced

**in United States Navy AICUZ noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents.”**

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Mrs. Kowalsky read UP-01-03 into the record for Commission review and action.

Staff Presentation:

Mr. Pusey stated that based on sound planning practices, Planning staff recommended **UP-01-03** be **APPROVED** with the stipulations as listed in the official agenda. Mr. Pusey corrected stipulation eleven to read “The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Health Department. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.”

Proponent:

Marion Pine Jr., 1124 Murray Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03. Mr. Pine said that although he was not developer, when the owner decided he did not want to farm the property anymore, of all the proposed uses, the golf course was the best. He said that he did have three concerns regarding the property, but when he read the listed stipulations, they were covered. Mr. Pine urged the Commission to vote for approval.

James Bradford, Hassell & Folkes, P.C.325 Volvo Parkway, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03 representing the applicant. Mr. Bradford thanked the staff and the community for the generous time they devoted toward improving the application. He said that he concurred with the listed stipulations as well as the change made by Mr. Pusey, and he was available for questions.

Robert Stephenson, 1101 Murray Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03. Mr. Stephenson said that he was 100% in favor of the application.

Lornell Holley, 3301 Andrews Drive, Chesapeake, Virginia, appeared before the Commission on behalf of UP-01-03 representing Whittamore Road Civic League. Mr. Holley said that when the project was presented to the community, they were concerned about the quality of the water, the air, the traffic, and the taxes. He said that they had several community meetings, and all those issues were addressed. Mr. Holley thanked Hassell & Folkes, P.C., the Planning staff, and Commissioners Collins and Cabarras for their help with the community on this project.

Opponent:

T.J. Carawan, 330 Hurdle Drive, Chesapeake, Virginia, appeared before the Commission in opposition to UP-01-03. Mr. Carawan said that he thought there were other residents who would be willing to till the land. He said that the new road that would have to be built would directly affect those residents that lived on Whittamore Road, and a price tag could not be put on that. He was concerned that no one would take responsibility for the problems that might arise.

Commission Discussion:

Vice-Chairman Cabarras commended Commissioner Collins for his hard work on the application. He said that this had been a win-win situation because the applicants came together with the residents, and they were on one accord. Commissioner Collins said that at the community meetings, concerns were raised in regard to the speed limit on the street and the deterioration of the property value. He said that Mr. Pusey checked on those concerns and the results were given to each of the Commissioners as well as the residents.

Commissioner Collins applauded the efforts of the communities that surrounded the site for their efforts.

Commissioner Ward said that he thought the site was appropriate for a golf course.

Commissioner Radford said that he was concerned about the reduction of the canopy of trees from 10% to 5%. He recommended Council looked into that when they were reviewing the application.

COMMISSION VOTE:

Mr. Collins moved that **UP-01-03** be **APPROVED** with the stipulations listed in the official agenda including the amended stipulation 11 and as recommended by staff. Mrs. Wilfore seconded the motion. The motion was carried by a vote of 9-0.



City of Chesapeake  
Department of Planning

**HEARING DATE:** May 9, 2001  
April 11, 2001

**TO:** CHESAPEAKE PLANNING COMMISSIONERS

**FROM:** GARY R. PUSEY, PLANNER

**THROUGH:** BRENT R. NIELSON, PLANNING DIRECTOR

**DATE:** April 30, 2001

**RE:** UP-01-03  
**PROJECT:** Etheridge Greens  
**APPLICANT:** Robert S. Diberardinis  
**AGENCY:** Hassell & Folkes, P.C.  
**PROPOSAL:** Conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.  
**ZONE:** A-1 Agricultural District  
**SIC CODE:** 7992, 7999  
**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.  
**TAX MAP SECTION/PARCEL:** 0620000000020  
**BOROUGH:** Butts Road

---

**PROJECT DESCRIPTION:**

The applicant is requesting approval of a conditional use permit to construct and operate an 18 hole golf course, a golf driving range and related facilities on a 217 acre parcel. (See Attachments A and B for the site plan.) The property is located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road in the Butts Road Borough, and is also located within the Fentress Airfield Overlay District.

This application was continued from the April 11, 2001, Public Hearing in order to allow the applicant an opportunity to address issues related to the "fly ash" that will be used in the construction of the golf course.

**BACKGROUND:**

The subject site is zoned A-1 Agricultural District. Adjacent zoning designations are as follows:

| DIRECTION | ADJACENT ZONING DESIGNATIONS                         |
|-----------|--|
| North     | A-1 Agricultural District                            |
| South     | RE-1 Residential Estate District                     |
| East      | A-1 Agricultural District, R-15 Residential District |
| West      | A-1 Agricultural District                            |

**DEPARTMENTAL COMMENTS:**

**Public Works:**

- This department will require a final construction plan.

Requirements:

- Provide a left turn lane on Centerville Turnpike.
- Reserve 45' of right-of-way along Centerville Turnpike.
- Ditch and shoulder improvements will be required along Centerville Turnpike. A corresponding right-of-way dedication may be required for these improvements.
- Address method to prevent stray golf balls from entering adjacent roadways. A stipulation should be provided to allow Public Works to direct the owner/developer to take corrective measures if Public Works determines that a hazard to motorists is created along Centerville Turnpike. See advisory comment below.

Advisory:

- The adjacent portion of Centerville Turnpike is on the "Draft Trails Plan" for a proposed Class III (with paved shoulders) bike path.
- Site plan approval for this development will be contingent upon the recordation of a plat showing the required right-of-way reservation and any required right-of-way dedication.
- Public Works feels that the layout for the course could be revised to reduce the risk of errant golf balls striking vehicles on Centerville Turnpike (keeping in mind that a six-lane divided highway will be adjacent to the course under the ultimate conditions).

**Public Utilities:**

- City water and sewer are not available to this site. City water and sewer are not required for this use permit.

**School Administration:**

- No impact.

**Parks and Recreation:**

- No impact.

**Environmental/Landscaping:**

- Buffer yard "F" required along the rights-of-way.
- A waiver to the 10% tree canopy requirement and the size of the trees at planting in the designated reforestation areas is approved.

**Fire Prevention:**

- Contingent approval. A dry hydrant drawing supply from the 14.6 acre lake is required in accordance with PFM and NFPA 1231 for water supply for fire fighting operations.

**Zoning:**

- This department will require a final construction plan.
- This site is in the Fentress Overlay District and must comply with the development standards listed in Section 12-406 et. seg. of the Chesapeake Zoning Ordinance including building setbacks. The setback for the maintenance building is 150 feet from the right-of-way reservation for Whittamore Road. This setback may be reduced to 50 feet if landscaping is approved by the City Council which screens the building from public view from the street.
- Signs must comply with Section 14-700 of the Chesapeake Zoning Ordinance.
- Handicap parking must comply with CABO/ANSI standards.
- One 12-foot x 35-foot loading space is required.
- Separate permits are required for fences, signs, and flagpoles.

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**Code Enforcement:**

- This department will not require a final construction plan.

**Library:**

- No impact.

**Police:**

- This department will not require a final construction plan.

**Bikes/Trails:**

- At the Chesapeake Bicycle/Trails Advisory Committee meeting of March 26, 2001, a motion was adopted requesting a 3' paved shoulder be installed along both sides of Centerville Turnpike. Centerville Turnpike is included in the City's Trail Plan for future shoulder/bike land improvement. The recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The installation of these shoulders will enhance safety and provide easier maintenance for Centerville Turnpike.

**Department of the Navy:**

- The proposal is compatible with the Naval Air Station (NAS) Oceana and Naval Auxiliary Landing Field (NALF) Fentress, Air Installations Compatible Use Zones (AICUZ) study. The project will be impacted by frequent overflight by jet aircraft 24 hours a day at an altitude often below 800 feet. At these times, the single event noise may exceed 98 dB. The clubhouse should be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level.

**STAFF ANALYSIS:**

The applicant is requesting approval of a conditional use permit to construct and operate a golf course, a golf driving range and related facilities on a 217 acre parcel located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road. The property is also located within the Fentress Airfield Overlay District.

Improvements proposed on the site include an 18 hole golf course, driving range, clubhouse, cart storage building, maintenance building and an 83 space parking lot. According to the applicant, the golf course will be open to the public daily from 7 a.m. to dusk and will have 20 employees on the largest shift.

Departmental review raised several issues that require further discussion.

In response to comments from Public Works, the applicant has performed traffic counts along Centerville Turnpike and agrees that a left turn lane is necessary on

Centerville Turnpike. Public Works is also requiring that 45' be reserved for the right-of-way along Centerville Turnpike and that a dedication may be required to accommodate ditch and shoulder improvements that may be necessary. The applicant is in agreement with stipulations that are included requiring the left turn lane be provided and that a subdivision plat be recorded prior to final site plan approval indicating the right-of-way reservation and/or dedication for Centerville Turnpike. Public Works is also requesting that a stipulation be provided that allows the City to require that corrective measures be taken in the event that errant golf balls prove to be a hazard to motorists along Centerville Turnpike. Public Works notes that this roadway is planned to be a six-lane divided highway at its ultimate development. The applicant has incorporated a 150 foot "fairway safety buffer" along Centerville Turnpike that is based on standards developed by the golfing industry for roadway separation, according to the applicant's agent. While the applicant is confident that this buffer, in combination with the 10 foot high landscaped berm, will provide adequate safety for motorists on Centerville Turnpike, the applicant has agreed to a stipulation that additional corrective measures will be implemented in the future, if required by the Department of Public Works. In addition, in response to concerns from Planning Commissioners and residents of the area, the applicant has agreed to expand this stipulation so that it applies to Whittamore Road as well. Also in response to residents' concerns, the applicant has agreed to increase the pavement width of Whittamore Road to 24 feet from the entrance of the golf course to the intersection of Whittamore Road and Centerville Turnpike. This is included as a stipulation as well.

The City Arborist has noted that the Code requires a buffer yard "F" along both Centerville Turnpike and Whittamore Road. In addition, the Code requires that a 10 percent tree canopy be provided. The applicant has agreed to provide the required buffer yard "F" along both streets, and has further offered to vary its width beyond what the Code requires in order to provide a more natural appearance. A stipulation is included addressing the buffer. A minor landscaping waiver has been approved by the City Arborist and the Planning Director to allow the tree canopy to be reduced from the required 10 percent to 5 percent, and to allow some of the trees to be smaller in size than required by the Code. The waiver was based on the characteristics of the use; i.e., the golf course is a recreational use with large amounts of green space, and the nature of a "links-style" course is that the course is designed to be open, with limited wooded areas. As part of the tree canopy requirement, the applicant is proposing a forested area along the eastern boundary of the property that will be designated a "tree preserve" and will provide a buffer for adjoining properties. It is in this area that a waiver was approved to allow smaller trees than required by the Code. All other trees to be planted on the site will meet Code requirements. A stipulation addressing the tree canopy requirement is included.

The Fire Department has noted that a dry hydrant drawing water from the proposed lake is required in accordance with the Public Facilities Manual since City water is not available. A stipulation addressing this requirement is included.

Zoning has noted that the Fentress Airfield Overlay District regulations require a 150 foot setback for buildings from a public street. This setback can be reduced to 50 feet, if landscaping approved by the City Council is provided which screens the building from public view from the street. The maintenance building is shown as being approximately 35 feet from the proposed right-of-way along Whittamore Road. The applicant indicates the 50 foot setback can be accommodated and is proposing landscaping that will screen the building from view from Whittamore Road. A stipulation addressing this is included. Zoning has also noted that a loading space is required. A stipulation requiring this is included as well.

The Bicycle/Trails Advisory Committee has requested that a 3 foot, paved shoulder be installed along both sides of Centerville Turnpike. The City's Trails Plan designates Centerville Turnpike as a Class III (with paved shoulders) bike path. The applicant has requested that the provision of bike trails not be required, since there are no trails north or south of the proposed project on Centerville Turnpike and the project will not generate the need for this improvement. As noted by the Advisory Committee, the recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The applicant is in agreement with the staff's recommendation that a subdivision plat be submitted prior to final site plan approval that would provide for the reservation for the future right-of-way of Centerville Turnpike and for a dedication, if determined to be necessary by Public Works, for ditch and shoulder improvements. Under this scenario, the applicant would not be responsible for constructing the bike path but the land would be available for this use.

Finally, the Department of the Navy was provided with the application and site plan for this proposed development since the project lies within the Fentress Airfield Overlay District. The Navy found that the proposed use is compatible with the AICUZ study, but recommended that the clubhouse be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level. These items are provided for the applicant's information. The original site plan for this development indicated the clubhouse would be located within the APZ-2 area. The revised site plan locates the clubhouse closer to Centerville Turnpike and, as currently proposed, is outside of the APZ-2 area. Stipulations are included addressing Zoning Ordinance requirements for properties located in the Fentress Overlay District (see stipulations #14 and #15).

Section 17-106.A of the Chesapeake Zoning Ordinance requires Conditional Use Permit applications to meet the following standards:

1. **STANDARD:** The proposal, as submitted or as modified, is in conformity with the Comprehensive Plan, including specific applicable elements of the Plan, and with official policies adopted in relation to the plan, including the purposes of this ordinance.

**FINDING:** The Land Use Plan designates this site for Countryside/Large Lot Residential use. This designation is intended for low density residential development which serves as a buffer between the city's agricultural sector

and the more dense and developed areas of the city. Although a golf course is not a residential use, its low intensity nature with the preservation of extensive open space is compatible with the intent of the Countryside land use designation. In addition, the proposal is consistent with objectives of the Land Use element of the Comprehensive Plan that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** The proposal, as submitted or as modified, is compatible with the surrounding community and will have no more adverse effects on the health, safety, or comfort of persons living or working in or driving through the area than would any other use generally permitted in the same district.

**FINDING:** The proposed use should not have any adverse effect on the surrounding area, which is a mixture of agricultural and residential uses. The golf course will be open only during the day, with no night operation. Although the property borders both Centerville Turnpike and Whittamore Road, the entrance to the site is provided only from Whittamore Road, which should provide a safer option with less disruption to traffic along Centerville Turnpike. The adjoining residential properties to the south, along Murray Drive, are separated from the golf course by a 120 foot wide power easement. In addition, these lots are a minimum of 3 acres, with the houses located approximately 250 feet from the applicant's property. In combination with the power easement and the golf course's fairway safety buffer, the houses will be located a minimum of 400 feet from any of the fairways.

Residents in the area have expressed concern about the effect of the golf course's use of wells on their water supply (properties in the area are served by private wells) and the possible contamination of the water supply from the use of "fly ash" for the golf course's construction. The applicant has agreed to a stipulation that would require the replacement of any well (at the applicant's expense) within a 2,000 foot radius of the golf course property that is adversely affected by the construction or operation of the golf course and its related facilities. The wording of this stipulation is based on similar stipulations used for borrow pit applications, and the applicant's responsibility for well replacement would expire seven years from the date of approval of the permit by City Council. In addition, the applicant has agreed to test the water from the clubhouse twice annually in an effort to measure water quality. The well supplying water to the clubhouse is expected to draw water from the same depth as the wells supplying water to the surrounding area. A stipulation addressing the testing of the water is included, and the stipulation discussed earlier pertaining to well replacement addresses wells contaminated by any activity associated with the golf course. Also, the applicant will have water trucks on site that will continuously keep the fly ash wet to keep it in place. As the fly ash is delivered, it will be taken to the area where it is needed and then it will be covered with one to two feet of topsoil. The maximum length of time that the fly ash will be exposed will be seven days. A stipulation is included addressing the maintenance of the exposed fly ash.

Attachment C contains preliminary test results from Dominion Power on samples of the fly ash. The row at the top of the table lists the toxicity levels (measured in parts per million) and the numbers in the remainder of the table lists the amounts of the various elements (arsenic, barium, cadmium, etc.) in parts per million from the samples. The samples indicate the measured levels were well below the toxicity levels. In response to residents' concerns, the applicant will also be providing the measures for each of these elements that are considered safe for drinking. These were not available at the time this report was written, but will be provided prior to the Planning Commission meeting.

Section 17-106.B. offers factors which may be considered in determining whether a Conditional Use Permit application meets the required standards. Only those factors considered applicable to this application are discussed below:

1. **STANDARD:** Whether the proposed conditional use will be consistent with the adopted policies in the Chesapeake Comprehensive Plan.

**FINDING:** As noted above, the low intensity of the proposed use is compatible with the Countryside designation of the City's Land Use Plan. In addition, the use is consistent with policies of the Plan contained in the Land Use element that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** Whether the existing or proposed streets and highways are adequate to safely accommodate and serve the site, with particular attention being given to the following:

- a. The capacity of existing or proposed streets and highways located on or near the site to accommodate projected traffic volumes.
- b. The adequacy and safety of the size and design of access roads, entrance and exit drives, and traffic circulation patterns, for both vehicular and pedestrian traffic on and near the site.

**FINDING:** In response to comments received from the Department of Public Works, the applicant conducted a traffic analysis of Centerville Turnpike, with the analysis indicating a left turn lane on Centerville Turnpike is needed. The applicant has agreed to provide the left turn lane from Centerville Turnpike to Whittamore Road. The applicant has also agreed to the right-of-way reservation on Centerville Turnpike as requested by Public Works.

3. **STANDARD:** Whether the proposed conditional use will be adequately served by other essential public facilities, including but not limited to the following: water and sewers, drainage facilities, schools, recreational facilities, police and fire protection, refuse disposal.

**FINDING:** Departmental review indicated no objections to the proposed development in regards to public facilities. In response to comments from the Fire Department, a stipulation will be included requiring that a dry hydrant that draws water from the proposed lake be provided since City water is not available. As noted earlier, the applicant has agreed to a stipulation that will address his responsibility in replacing residents' wells that may be adversely affected by the golf course.

4. **STANDARD:** Whether the proposed conditional use will have any adverse effect upon or will be incompatible with the use or enjoyment of adjacent and surrounding property, with particular attention being given to the following:
- a. The noise characteristics of the proposed use and whether they exceed the maximum sound levels that are typical of uses permitted as a matter of right in the district.
  - b. The anticipated glare from vehicular and stationary lights and the extent to which such lights will be visible from any residential district.
  - c. The vulnerability of the proposed use to fire and related safety hazards.
  - d. The interference by the proposed use with any easement, roadways, rail lines, utilities and public or private rights-of-way.
  - e. The possible destruction, loss, or damage of a natural, scenic, or historic feature of significant importance.
  - f. The adequacy of proposed landscaping and buffering measures to screen the site from neighboring properties zoned for or containing less intensive uses.

**FINDING:** None of the items listed above will exist to an extent that will adversely affect surrounding properties. Noise associated with the golf course will be minimal and will not exceed sound levels typical of other uses permitted in the A-1 Agricultural District. Glare from vehicular and stationary lights will also be minimal. The golf course will only be open during the day, which will limit glare from vehicular lights. In addition, the clubhouse, parking lot and related facilities are located in the northwest portion of the site, away from any residential development. Buffering is also proposed around each of these facilities. The applicant has stated that stationary lighting will be limited to that necessary for security purposes only. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road that will provide additional buffering, especially for the purpose of preventing golf balls from entering these roadways. A 150 foot fairway safety buffer is also proposed for this purpose. Roadside landscape buffers, exceeding Code requirements, are provided along both Centerville Turnpike and Whittamore Road. As noted earlier, stipulations are included that address possible effects of the golf course operation on the wells of residents in the

community. Samples of the fly ash indicate levels of various elements are well below toxicity levels, and additional information will be provided about acceptable drinking water levels.

5. **STANDARD:** Whether the proposed conditional use will be constructed, arranged, and operated so as not to dominate or interfere with the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, considerations shall be given to:
- a. The location, nature, and height of buildings, structures, walls, and fences on the site; and
  - b. The overall compatibility of the appearance of the site as proposed with neighborhood sites;
  - c. The nature and extent of landscaping and screening on the site.

**FINDING:** Development of the property as a golf course should not interfere with the development and use of neighboring property. The proposed golf course is not an intensive use of the site. The number of buildings is limited to a clubhouse, cart barn and maintenance building and a parking lot containing 83 spaces. These facilities are located in the northwest portion of the site away from any residential development. The closest use to these facilities is the Fentress Fire Station located near the intersection of Centerville Turnpike and Whittamore Road. Landscaping is proposed around each of these structures to buffer their view from adjoining properties. In addition, the applicant has agreed to a stipulation addressing the appearance of the clubhouse and maintenance building to ensure their compatibility with surrounding development. The applicant has agreed to construct these buildings with either brick, block with a brick appearance, split block or other stone/masonry veneer acceptable to the Planning Director. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road to help prevent errant golf balls from entering these roadways. As discussed earlier, the applicant has also agreed to a stipulation that additional corrective measures will be made if the City's Public Works Department determines that the safety of motorists along both Centerville Turnpike and Whittamore Road is being compromised. The berms and landscaping will also serve as a visual buffer from adjoining properties. By its very nature (i.e., extensive open space and landscaped greens and fairways), the appearance of the golf course will be compatible with the surrounding agricultural and residential area.

**STAFF RECOMMENDATION:**

Based on the findings contained in this staff report, staff recommends that **UP-01-03** be **APPROVED** with the following stipulations:

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.
5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid linear effect. Landscaping shall be subject to approval by the City Arborist.
6. The applicant agrees that a 5 percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the PFM prior to the issuance of a certificate of occupancy.
8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.

10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).
11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Department of Utilities. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within AICUZ noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.

15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced in United States Navy AICUZ noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents."

GRP

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