



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

December 22, 2015

Doris M. Fitzgerald Living Trust
c/o Teresa F. Pirkey, Trustee
P. O. Box 57
Greenwood, VA 22943

**RE: LOD2015-00015 - OFFICIAL DETERMINATION OF PARCELS OF RECORD &
THEORETICAL DEVELOPMENT RIGHTS - Tax Map 55, Parcel 22.**

Dear Ms. Pirkey:

The County Attorney and I have reviewed the title information for the above-noted property. It is the County Attorney's advisory opinion and my official determination that Tax Map 55, Parcel 22 is comprised of two (2) parcels of record, one containing 50.00 acres with five (5) theoretical development rights and the other, an access parcel, containing 2.50 acres. The basis for this determination follows.

Albemarle County records indicate that **Tax Map 55, Parcel 22** contains 52.50 acres located in the White Hall Magisterial District, with three (3) dwellings. The property is zoned RA Rural Areas.

The most recent deed for **Tax Map 55, Parcel 22** is recorded in Deed Book 3953 page 679 and is dated May 14, 2010.

PRIOR TO DECEMBER 10, 1980
TMP 55-22

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
168/152	6/25/1918	N	"...that certain tract of fifty (50) acres, of land...described in a plat hereto attached..." This deed establishes Tax Map 55, Parcel 22 as a parcel of record with five (5) theoretical development rights. This deed also references the "...right of way, to, and from said tract..." and describes it as having a width of twelve (12) feet.	50.00 Plus r-o-w of 12 feet
305/349	5/22/1953	N	"...the "50 acre" tract which was conveyed...with plat attached in Deed Book 168 page 152." Along with "...that certain small parcel of land containing approximately 2 1/2 acres lying in Albemarle County... This deed establishes the 2 1/5 acre parcel as a parcel of record for the purpose of providing access to the 50 acre parcel and has no effect on Tax Map 55, Parcel 22.	50.00 <u>2.50</u> <u>52.50</u>

331/555	5/1/1957	N	"...containing 50 acres more or less...conveyed...in Deed Book 168 page 152..." and "...approximately 2 ½ acres adjoining the aforesaid 50 acres...conveyed...in Deed Book 305 page 349..." This deed had no effect on the parcels.	50.00 <u>2.50</u> 52.50
333/456	7/24/1957	N	"...all those two (emphasis added) tracts or parcels of land, containing in the aggregate 52 1/2 acres, more or less,... namely: ... 50 acres, more or less..." and "approximately 2 ½ acres adjoining aforesaid 50 acres..." This deed had no effect on the parcels.	50.00 <u>2.50</u> 52.50

**AFTER DECEMBER 10, 1980
 TMP 55-22**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
915/373	9/15/1986	N	"This Deed of Exchange" of 2.50 with 2.446 acres includes the "2 ½ acres adjoining...50 acres..." described in Deed Book 333, Page 456. The plat attached to this deed adds 2.446 acres (what is apparently the "Entrance Parcel" shown on the plat attached to the deed) to the residue of Tax Map 55, Parcel 22. This deed had no effect on the parcels.	50.00 <u>2.50</u> 52.50
3953/679	5/14/2010	N	This is a gift conveyed the 52.50 acres to the Doris M. Fitzgerald Living Trust. This deed had no effect on the parcels.	50.00 <u>2.50</u> 52.50

On the basis of these deeds Tax Map 55, Parcel 22 is determined to be two (2) parcels of record as follows:

- 1) One containing 50.00 acres having five (5) theoretical development rights, and;**
- 2) A second containing 2.50 acres, created for the purpose of providing access to the 50.00 acre parcel.**

The parcels are entitled to the noted development rights if all other applicable regulations can be met. These development rights may only be utilized within the bounds of the original parcel with which they are associated. These development rights are theoretical in nature but do represent the maximum number of lots containing less than twenty one acres allowed to be created by right.

Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Zoning Ordinance. They may be reviewed online at www.albemarle.org/countycodebza.

(Please note that our online documents are in Adobe Acrobat PDF format and must be viewed with the Adobe Acrobat Reader or an equivalent. A link to download the free plug-in is available at the bottom of www.albemarle.org/cdapps.)

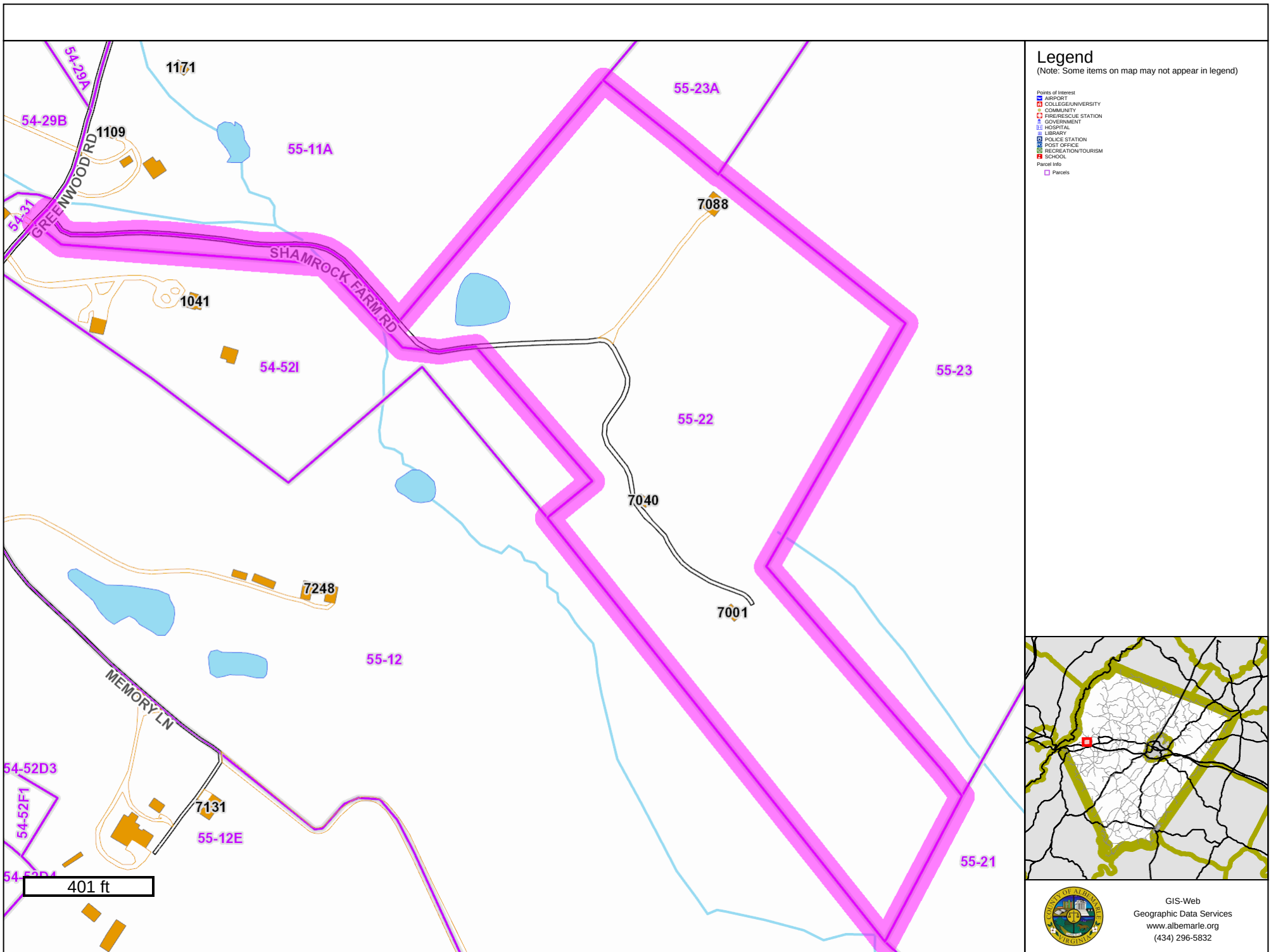
Sincerely,



Ronald L. Higgins, AICP
Chief of Zoning/Deputy Zoning Administrator

Attachment: Tax Map delineating parcel of record

Copy: Scott B. Peyton, Realtor Representative for owner
Sheila L. Conrad, Real Estate Tech, Real Estate
Ella Jordan, Clerk of the Board of Supervisors



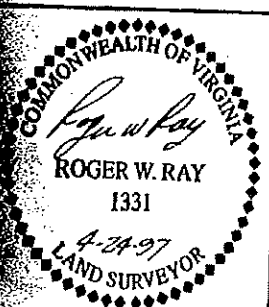
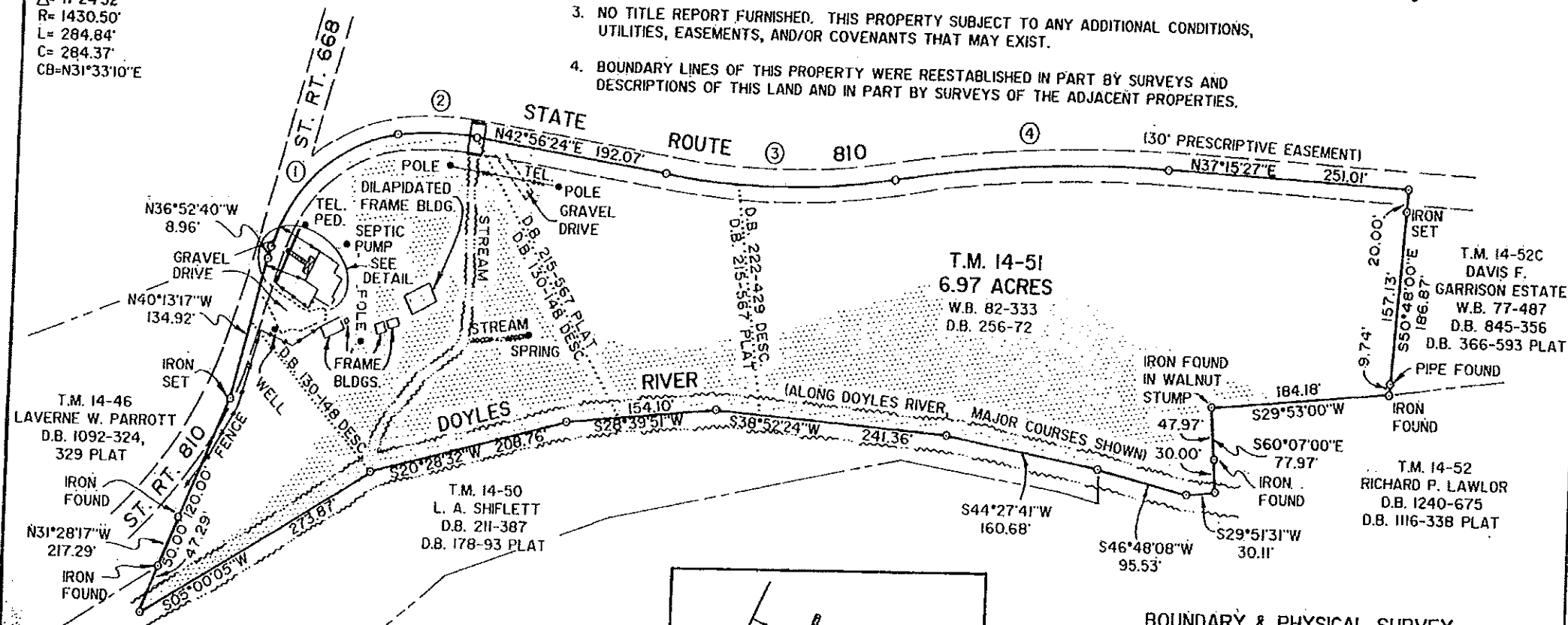
BK 1612 PG 0050

- ①
 $\Delta = 65^{\circ}05'51''$
 $R = 156.40'$
 $L = 177.70'$
 $C = 168.29'$
 $CB = N04^{\circ}19'44''W$
- ②
 $\Delta = 14^{\circ}43'12''$
 $R = 339.00'$
 $L = 87.09'$
 $C = 86.85'$
 $CB = N35^{\circ}34'48''E$
- ③
 $\Delta = 17^{\circ}05'30''$
 $R = 806.00'$
 $L = 240.43'$
 $C = 239.54'$
 $CB = N34^{\circ}23'39''E$

- ④
 $\Delta = 11^{\circ}24'32''$
 $R = 1430.50'$
 $L = 284.84'$
 $C = 284.37'$
 $CB = N31^{\circ}33'10''E$

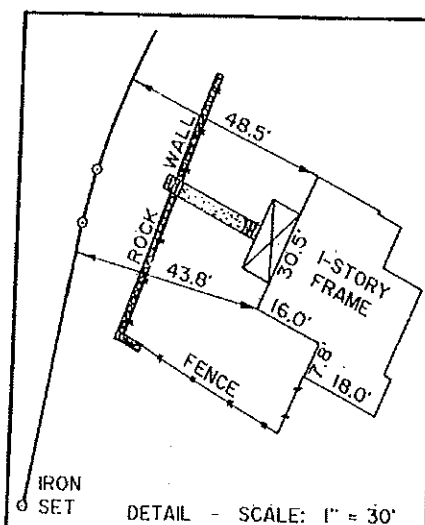
NOTES:

1. [Hatched Area Symbol] DENOTES AREA WITHIN ZONE A (100 YEAR FLOOD PLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAP, DATED 12-16-80 (COMMUNITY PANEL 510006 00758). THE REMAINDER OF THE PROPERTY IS LOCATED IN ZONE C.
2. THIS PROPERTY SUBJECT TO THE FOLLOWING:
 A. EASEMENTS TO VEPCO (D.B. 275-89 & D.B. 276-490).
 B. EASEMENT TO VIRGINIA TELEPHONE & TELEGRAPH COMPANY (D.B. 499-565).
3. NO TITLE REPORT FURNISHED. THIS PROPERTY SUBJECT TO ANY ADDITIONAL CONDITIONS, UTILITIES, EASEMENTS, AND/OR COVENANTS THAT MAY EXIST.
4. BOUNDARY LINES OF THIS PROPERTY WERE REESTABLISHED IN PART BY SURVEYS AND DESCRIPTIONS OF THIS LAND AND IN PART BY SURVEYS OF THE ADJACENT PROPERTIES.



I HEREBY CERTIFY THAT ON APRIL 24, 1997
 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT
 TO THE BEST OF MY KNOWLEDGE, INFORMATION &
 BELIEF AND IN MY PROFESSIONAL OPINION IT IS
 COMPLETE AND ACCURATE.

Roger W. Ray



IRON SET DETAIL - SCALE: 1" = 30'

BOUNDARY & PHYSICAL SURVEY
 6.97 ACRES
 KNOWN AS PARCEL 51 ON TAX MAP 14
 THE MARY H. SHIFLETT ESTATE PROPERTY
 LOCATED AT THE INTERSECTION OF
 STATE ROUTE 668 & STATE ROUTE 810
 WHITE HALL DISTRICT
 ALBEMARLE COUNTY, VIRGINIA
 SCALE: 1" = 100' DATE: APRIL 24, 1997

FOR
 RONALD WILLIAM & EILEEN F. LAVIS

ROGER W. RAY & ASSOC., INC.
 1717-2B ALLIED STREET
 CHARLOTTESVILLE, VIRGINIA 22903

11210