



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

Phone (434) 296-5832

Fax (434) 972-4126

March 9, 2016

Roger W Ray & Associates, Inc.
1717-1b Allied Street
Charlottesville VA 22903

RE: LOD2016-00002 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 04300-00-00-02400 (Property of LIBERTY HALL FARM LLC) Jack Jouett Magisterial District

Dear Mr. Ray:

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 **Parcel ID 04300-00-00-02400** is comprised of three (3) parcels of record, two parcels with five (5) theoretical development rights and one (1) parcel with one (1) theoretical development right. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 04300-00-00-02400** contains 186.75 acres and seven (7) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 04300-00-00-02400**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 447, page 45 dated August 20, 1968.

PRIOR TO DECEMBER 10, 1980
Parcel ID 04300-00-00-02400 – (150 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
203 / 166	12/03/1928	Y	...all that certain tract or parcel of land, ...and is part of the tract of land conveyed... by deed dated the 8 th of November 1913... The portion of land hereby conveyed is described by metes and bounds, on the plat made by Hugh F. Simms, S.A.C. dated November 1928. ...containing, according to said plat one hundred and fifty acres.	150 ^{+/-}
275 / 27	06/26/1947	N	...the following tracts of land ... 1. That certain tract or parcel of land ..., containing one hundred and fifty (150) acres, more or less, ..., recorded in DB 203 P 166 2.	150 ^{+/-}
398 / 354	06/01/1964	N	...the following parcels or tracts of land ..., collectively known as "Liberty Hall" ...: (1) That certain tract..., containing 150 acres, more or less, ..., recorded in DB 203 P 166 (2) That certain tract containing 34.15 acres... (3) That certain parcel of land containing 2.6 acres, more or less...	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}

447 / 445	08/20/1968	N	... the following parcels or tracts of land ..., collectively known as "Liberty Hall" ...: (1) That certain tract..., containing 150 acres, more or less, ..., recorded in DB 203 P 166 (2) That certain tract containing 34.15 acres... (3) That certain parcel of land containing 2.6 acres, more or less, ...	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}
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PRIOR TO DECEMBER 10, 1980
Parcel ID 04300-00-00-02400 – (34.15 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
292 / 409	10/25/1950	Y	... release from the lien of said deed of trust a small portion of said land, more particularly described hereafter, and the transfer of the lien of said deed of trust to the property exchanged ... This deed does not officially describe the parcel as 34.15 acres (see approximation of acreage below)	34.15 ^{+/-}
293 / 148	12/06/1950	Y	This deed is a survey of multiple parcels and within the deed identifies the small portion of said land as being 1.14 acres. The 1.14 acres includes a 1/8 acre triangular tract not part of the 35 1/5 acre tract thus it is determined that only 1.015 acres was removed from the original 35 1/5 acres thus leaving 34.185 acres, more or less.	35.2 ^{+/-} - 1.015 ^{+/-} = 34.185 ^{+/-}
398 / 354	06/01/1964	N	...all of the following parcels of land ..., collectively known as "Liberty Hall" ...: (1) That certain tract..., containing 150 acres, more or less, ... (2) That certain tract containing 34.15 acres, more or less, being a part of the property conveyed... in DB 216 P 424. The property hereby conveyed is all of the 35 1/5 acre tract described in said deed and plat... except a small portion included in the conveyance... in DB 292 P 409. A further description of the said small portion conveyed... in DB 293 P 148. (3) That certain parcel of land containing 2.6 acres, more or less, ...	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}
447 / 445	08/20/1968	N	...all of the following parcels of land ..., collectively known as "Liberty Hall" ...: (1) That certain tract..., containing 150 acres, more or less, ..., recorded in DB 203 P 166 (2) That certain tract containing 34.15 acres, more or less, being a part of the property conveyed... in DB 216 P 424. This property is all of the 35 1/5 th acre tract described in said deed and plat... except a small portion included in the conveyance... in DB 292 P 409. A further description of the said small portion conveyed ... in DB 293 P 148. (3) That certain parcel of land containing 2.6 acres, more or less, ...	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}

PRIOR TO DECEMBER 10, 1980
Parcel ID 04300-00-00-02400 – (2.6 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
292 / 409	10/25/1950	N	...a tract or parcel of land containing 2 6/10 acres as shown on a plat of Hugh F. Simms and Son, C.L.S., dated July 1950, attached to and made part of this deed...	2.6 ^{+/-}
398 / 354	03/22/1934	N	...all of the following parcels of land ..., collectively known as "Liberty Hall" (1) That certain tract..., containing 150 acres, more or less, ... (2) That certain tract containing 34.15 acres, more or less, ... (3) That certain parcel of land containing 2.6 acres, more or less, described on a plat of Hugh F. Simms and Sons, C.L.S. ..., recorded in DB 292 P 412	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}
447 / 445	08/20/1968	N	...all of the following parcels of land ..., collectively known as "Liberty Hall" (1) That certain tract..., containing 150 acres, more or less, ... (2) That certain tract containing 34.15 acres, more or less, ... (3) That certain parcel of land containing 2.6 acres, more or less, described on a plat of Hugh F. Simms and Sons, C.L.S. ..., recorded in DB 292 P 412	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}

AFTER DECEMBER 10, 1980
Parcel ID 04300-00-00-02400 – (150ac., 34.15ac. & 2.6ac.)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
	12/10/1980	N	No deeds of record after 12/10/1980 that affected parcels of record or development rights.	150 ^{+/-} 34.15 ^{+/-} 2.6 ^{+/-}	5 5 1

On the basis of these deeds

Parcel ID 04300-00-00-02400 is determined to be three (3) parcels of record, one comprised of approximately 150 acres^{+/-}, containing 5 development rights, one comprised of approximately 34.15 acres^{+/-}, containing 5 development rights, and one comprised of an estimated 2.60 acres^{+/-}, containing 1 development right.

The parcel is 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 of record 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.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with Chapter 18, Section 34.3 of the Albemarle County Code, along with a fee of \$258 plus the actual cost of advertising the appeal for public hearing.

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 Albemarle County Code. 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.)

If you have any questions, please contact me.

Sincerely,



Francis H. MacCall
Principal Planner

Attachment: Map delineating parcels of record.

Copy: Sheila L. Conrad, Real Estate Tech, Real Estate
Ella Jordan, Clerk of the Board of Supervisors

LIBERTY HALL FARM LLC
C/O WILLIAM E MOUZAVIRES ESQ, TRS
10728 VALE RD
OAKTON VA, 22124

