



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

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July 20, 2007

Ms. Lori H. Schweller, Esquire
c/o LeClair Ryan
123 East Main Street, 8th Floor
Charlottesville, VA 22902-2017

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 43, Parcel 40A (Property of Jeffrey F. & Corinne S. Buckalew) Jack
Jouett Magisterial District**

Dear Ms. Schweller:

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 43, Parcel 40A contains seven parcels of record with a combined total of twenty-two (22) theoretical development rights. The basis for this determination is summarized as follows:

Tax Map-Parcel, lots	Acreage	Development Rights
TM 43 – 40A, One, A	103.31 ac.	5
TM 43 – 40A, One, B	25.24 ac.	5
TM 43 – 40A, One, C	4.4 ac.	2
TM 43 – 40A, One, E	1.5 ac.	1
TM 43 – 40A, One, F	8.82 ac.	4
TM 43 – 40A, One, G	49.89 ac.	5
TM 43 – 40A, Two	10.00 ac.	0
TOTAL		22

Our records indicate Tax Map 43, Parcel 40A, contains 202.83 acres and six (6) dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3325, page 545.

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance on December 10, 1980, is recorded in Deed Book 659, page 367, and is dated October 18, 1978. The deed conveyed 193 acres, more or less, known as Parcels A, B, C, E, F, and G from James F. & Rosemary R. Lewis to Edward W. & Betty Knight Scripps. **Based on this deed, Tax Map 43, Parcel 40A, at that time, was determined to be six (6) parcels of record with twenty-two (22) development rights referred to in the chart above as parcel One, lots A, B, C, E, F and G.**

Deed Book 868, page 204, dated February 14, 1986, conveyed the same six (6) parcels from Edward W. & Betty Knight Scripps to First Scripps League Realty Co. **This transaction had no effect on the six parcels of record.**

Deed Book 1451, page 598, dated December 16, 1994, conveyed 10 acres, known as Parcel X, from Rosemary R. Dent to First Scripps League Realty Co. This deed divided the 10 acre parcel off of the main Dent property (Tax Map 44, Parcel 1) while retaining all of development rights for the main residue. The plat for that deed (Deed Book 1451, page 600) showed parcel X added to Tax Map 43, Parcel 40A, resulting in the present total acreage of 202.83. **This transaction had no effect on the six parcels of record or their development rights and is referred to in the chart above as parcel Two.**

Deed Book 1547, page 306, dated June 28, 1996, conveyed the 202.4 acres (the original 202.83 acres minus a condemnation of a small portion for highway purposes) from First Scripps League Realty Co. to Scripps League Newspapers, Inc. **This transaction had no effect on the parcels.**

Deed Book 1547, page 309, dated June 28, 1996, conveyed the same 202.4 acres from Scripps League Newspapers, Inc. to Scripps Enterprises, Inc. **This transaction had no effect on the parcels.**

Deed Book 3325, page 545, dated November 21, 2006, conveyed the same 202.4 acres from Scripps Enterprises, Inc. to Jeffrey F. & Corinne S. Buckalew, the present owners. **This transaction had no effect on the parcels.**

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. In addition to the development right lots, the parcel may create as many smaller parcels containing a minimum of twenty-one acres as it has land to make.

If you are aggrieved by this determination, you have a right to appeal it within thirty days of the date notice of this determination is given, in accordance with Section 15.2-2311 of the Code of Virginia. If you do not file a timely appeal, this determination shall be final and unappealable. An appeal shall be taken only by filing with the Zoning Administrator and the Board of Zoning Appeals a notice of appeal which specifies the grounds for the appeal. An appeal application must be completed and filed along with the fee of \$120. The date notice of this determination was given is the same as the date of this letter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Higgins". The signature is fluid and cursive, with a large initial "R" and "H".

Ronald L. Higgins, AICP
Manager of Zoning Administration

Copy: Gay Carver, Real Estate Supervisor
Ella Carey, Clerk of the Board of Supervisors
Jeffrey F. & Corinne S. Buckalew