



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

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July 5, 2007 July 16, 2007

Mr. Brian S. Ray
c/o Roger W. Ray & Assoc., Inc.
1717-1B Allied Street
Charlottesville, VA 22903

**RE: OFFICIAL DETERMINATION OF PARCELS- Tax Map 93, Parcels 1 & 4
(Property of Eastwind Properties LLC) Section 10.3.1, Scottsville Magisterial District**

Dear Mr. Ray:

This is a corrected letter, which you should replace my letter of July 5, 2007 with. The correction was to replace the Tax Map # "124" with "93" in the chart, for the last lots and to add the magisterial district to the reference above. No other changes were made affecting this determination. 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 93, Parcel 1 is three separate parcels with a combined total of eight (8) development rights. Tax Map 93, Parcel 4 is three separate parcels with combined total of four (4) development rights. The basis for this determination is summarized as follows:

TM-Parcel, lots	Acreage	Development rights
T.M. 93 – 1, 1 st lot	7&116/160 ac.	3
T.M. 93 – 1, 2 nd lot	4&101/160 ac.	2
T.M. 93 – 1, 3 rd lot	6 &103/160 ac.	3
T.M. 42493 – 4, 1 st lot	2 ac.	1
T.M. 42493 – 4, 2 nd lot	3/4 ac.	1
T.M. 42493 – 4, 3 rd lot	4 ac.	2
Total		12

Tax Map 93, Parcels 1 & 4

Our records indicate Tax Map 93, Parcel 1 contains 18.890 acres and no dwellings and Tax Map 93, Parcel 4 contains 6.750 acres and no dwellings. The properties are not in an Agricultural Forestal District. The most recent deed including these properties is recorded in Deed Book 3346, page 389.

The most recent deed for the parcels, recorded prior to the adoption of the Zoning Ordinance, December 10, 1980 is recorded in Deed Book 581, page 463 and is dated September 25, 1975. This deed conveyed an aggregate of 25 acres from Ellen V. Nash, Special Commissioner, to Gaston G. & Mattie Lee Fornes. The property is described as Albemarle County Tax Map 93, parcels 1 and 4, being the properties conveyed to Mattie W. Curry by two separate deeds, the first, by deed dated March 20, 1930, of Lucy Thomas, conveying 18+ acres, of record in Deed Book 208, page 404, and the second, by deed of E. V. Walker, sole acting trustee, to Mattie W. Curry, dated November 20, 1948, of record in Deed Book 284, page 569 conveying 6 $\frac{3}{4}$ acres of land, for the aggregate of 25 acres, "to which deeds of reference is made for a more particular description of the premises." The property is described in those deeds, with plat references, as six separate lots. **Based on this, the 25-acres are determined to be six (6) parcels of record with twelve (12) theoretical development rights as outlined in the table above.**

Deeds of trust and deeds of confirmation from September 20, 1996 (Deed Book 1568, page 706), September 10, 1997 (Deed Book 1642, page 91) and October 10, 2000 (Deed Book 2037, page 673) all describe the same 25 acres as it was described in the September 25, 1975 conveyance above, Deed Book 581, page 463. **These transactions had no effect on the legal status or development rights of the parcels.**

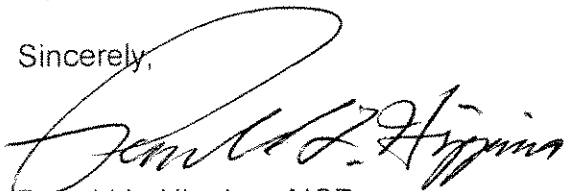
Deed Book 3346, page 389, dated December 1, 2006, conveyed this same 25 acres, among other parcels from Wachovia Bank as Trustee successor in interest of the Gaston G. & Mattie Lee Fornes Revocable Trusts to Eastwind Properties, LLC. **This transaction had no effect on the legal status or development rights of the parcels.**

These parcels are entitled to the noted development rights if all other applicable regulations can be met. 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, the tracts may create as many parcels containing a minimum of 21 acres as they have land to create.

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 loop at the beginning.

Ronald L. Higgins, AICP
Manager of Zoning Administration

Copies: Gay Carver, Real Estate Department
Ella Carey, Clerk of the Board of Supervisors
Eastwind Properties, LLC