



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

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September 11, 2007

Mr. Lawrence J. Martin, Trustee
BMC Land Trust
c/o Hantzmon Wiebel, LLP
818 East Jefferson Street
P. O. Box 1408
Charlottesville, VA 22902

RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS-Section 10.3.1 -- Tax Map 30, Parcel 10 (one tax parcel that is composed of two parcels of record) (Property of BMC Land Trust) Whitehall Magisterial District

Dear Mr. Martin:

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 30, Parcel 10 has five (5) theoretical development rights and Tax Map 30, Parcel 11 has five (5) theoretical development rights. The basis for this determination follows.

Our records indicate that the current Tax Map 30, Parcel 10 contains 255.19 acres and no dwellings. The property is within the Moorman's River Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 2609, page 433.

This analysis begins with the deed of record in Deed Book 665, page 224 that is dated December 26, 1978. The deed conveyed to Continental Land Sales, Inc., tracts or parcels of land including: 217.6 acres, more or less (Tax Map 30, Parcel 10), and; 46 acres, more or less (Tax Map 30, Parcel 11), less approximately 4 acres conveyed to the City of Charlottesville for the Rivanna Reservoir. This is also the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. **Based on this deed, the current Tax Map 30, Parcel 10 is determined to be two (2) parcels of record (parcels 10 & 11) with five (5) development rights each for a total of ten (10) theoretical development rights.**

Deed Book 712, page 461, dated March 10, 1981, conveyed 261.06 acres from Continental Land Sales, Inc to Page J. McGee. The property is described as being the same as was conveyed by Deed Book 665, page 224. **This transaction had no effect on the parcels.**

Deed Book 803, page 295, dated June 13, 1984, conveyed 5.750 acres from Page J. McGee & William L. McGee to Rivanna Water and Sewer Authority. The property is described as being from the same parcel conveyed by Deed Book 712, page 461, thus resulting in it being 255.31 acres. **This transaction had no effect on the parcels or their development rights.**

Deed Book 828, page 344, dated February 28, 1985, conveyed 255.31 acres from Page J. & William L. McGee to BMC Land Trust. The property is described as being the same as was conveyed by Deed Book 712, page 461, less the 5.75 acres conveyed by Deed Book 803, page 295. **This transaction had no effect on the parcels.**

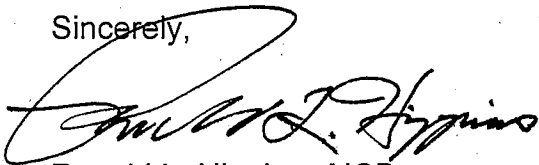
Deed Book 2609, page 433, dated September 26, 2003, conveyed .12 acres, more or less from BMC Land Trust to Jonathan Z. & Alice P. Cannon. The property is described as being the same as was conveyed by Deed Book 828, page 344, thus resulting in the present acreage of 255.19. **This transaction had no 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,



Ronald L. Higgins, AICP
Manager of Zoning Administration

Copy: Gay Carver, Real Estate Supervisor
Ella Jordan, Clerk of the Board of Supervisors