



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

Phone (434) 296-5832

Fax (434) 972-4126

January 3, 2008

Yates Carr Garnett
Trustee, C Mercer Garnett Jr. Trust Agreement
977 Woodlands Road
Charlottesville, VA 22901

RE: LOD-2007-00040 OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 44, Parcel 4J & 4K (Property of C MERCER GARNETT JR. TRUST AGREEMENT – YATES CARR GARNETT TRUSTEE) White Hall Magisterial District

Dear Mrs. Garnett:

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 44, Parcels 4J and 4K are parcels of record and have collectively a total of ten (10) theoretical development rights, as outlined in the following table:

Tax Map-Parcel	Acreage	Development Rights
TMP 44-4J	21.5 Acres	5
TMP 44-4K	50.00 Acres	5
Total		10

The basis for this determination follows:

Tax Map 44 Parcel 4J

Our records indicate Tax Map 44, Parcel 4J contains 21.5 acres and zero (0) dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 1711, page 144.

This analysis begins with the deed of record in Deed Book 692, page 829 that is dated May 1, 1980. This deed is most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed contains a plat which created 5 (five) parcels. Tax Map 44, Parcel 4J is shown as Parcel D which contained 21.5 acres. **Based on this deed, Tax Map 44, Parcel 4J is determined to be a parcel of record with five (5) development rights.**

Deed Book 1457, page 124, dated February 7, 1995, gifted 21.5 acres from C. Mercer Garnett, Jr. and Yates Carr Garnett to C. Mercer Garnett, Jr. The property is described as being the same as was conveyed by Deed Book 692, page 829. **This transaction had no effect on the parcels.**

Deed Book 1711, page 144, dated April 28, 1998, conveyed 21.5 acres from C. Mercer Garnett, Jr. and Yates Carr Garnett, Trustee of the C. Mercer Garnett, Jr. Trust Agreement to Yates Carr Garnett, Trustee of the C. Mercer Garnett, Jr. Trust Agreement. The property is described as being the same as was conveyed by Deed Book 1457, page 124. **This transaction had no effect on the parcels.**

Tax Map 44 Parcel 4K

Our records indicate Tax Map 44, Parcel 4K contains 50.00 acres and zero (0) dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 1711, page 144.

This analysis begins with the deed of record in Deed Book 692, page 829 that is dated May 1, 1980. This deed is most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed contains a plat which created 5 (five) parcels. Tax Map 44, Parcel 4K is shown as Parcel E which contained 50.00 acres. **Based on this deed, Tax Map 44, Parcel 4K is determined to be a parcel of record with five (5) development rights.**

Deed Book 1457, page 124, dated February 7, 1995, gifted 50.00 acres from C. Mercer Garnett, Jr. and Yates Carr Garnett to C. Mercer Garnett, Jr. The property is described as being the same as was conveyed by Deed Book 692, page 829. **This transaction had no effect on the parcels.**

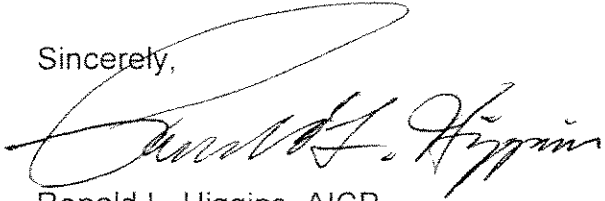
Deed Book 1711, page 144, dated April 28, 1998, conveyed 50.00 acres from C. Mercer Garnett, Jr. and Yates Carr Garnett, Trustee of the C. Mercer Garnett, Jr. Trust Agreement to Yates Carr Garnett, Trustee of the C. Mercer Garnett, Jr. Trust Agreement. The property is described as being the same as was conveyed by Deed Book 1457, page 124. **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, sweeping initial "R".

Ronald L. Higgins, AICP
Chief of Zoning

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

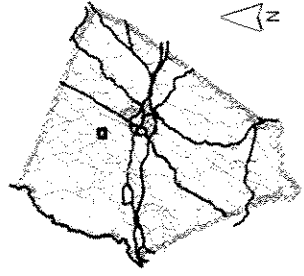
Garnett Property

Legend
 (Note: Some items on map may not appear in legend)

- Thin Map Line
- Thicker Map Line
- Property Boundary
- Secondary Roads
- Road Right-of-Way
- Road Construction
- Right
- Wrong
- Unknown
- Pending
- Lake and Waterways
- Flood
- Major Waterway
- Other Streams



GIS-Web
 Geographic Data Services
www.altamark.org
 (434) 296-9932



November 19, 2007

