



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

Phone (434) 296-5832

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December 12, 2007

Brian S. Ray  
1717-1B Allied St  
Charlottesville, VA 22903

**RE: LOD 2007-00033 OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 51, Parcel 24A (Property of THOMAS B MERRICK IV AND JUDITH MERRICK, DANIEL D MERRICK AND SHARON MERRICK, W GORDON MERRICK AND SANDRA MERRICK, & RANDOLPH V MERRICK AND CAROLINE MERRICK) Rivanna 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 Tax Map 51, Parcel 24A is two (2) parcels of record. The basis for this determination follows:

Our records indicate Tax Map 51, Parcel 24A contains 186.00 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 2792, page 263.

This analysis begins with the deed of record in Deed Book 491, page 82 that is dated July 8, 1971 which conveyed 2 tracts of land totaling 186.00 acres (Tract IA containing 10.00 acres and Tract III containing 176.00 acres) from National Bank and Trust Company, Executor and Trustee under the will of Althea C. Bland to Margery D. Merrick. **This established the 10.00 acres and the 176.00 acres as original parcels of record. Based on this deed, Tax Map 51, Parcel 24A is determined to be two (2) parcels of record with five (5) development rights each.**

Deed Book 737, page 208, dated April 16, 1982, gifted the 10 acre tract (Tract IA) and the 176 acre tract (Tract III) from Margery D. Merrick and Thomas B. Merrick, III to Margery D. Merrick and Thomas B. Merrick, III. **This transaction had no effect on the parcels.**

Deed Book 753, page 609, dated December 16, 1982, gifted the 10 acre tract (Tract IA) and the 176 acre tract (Tract III) from Thomas B. Merrick, III and Margery D. Merrick to Thomas B. Merrick, III, Trustee for the Merrick Land Trust. **This transaction had no effect on the parcels.**

Deed Book 2336, page 391, dated December 10, 2002, gifted the 10 acre tract (Tract IA) and the 176 acre tract (Tract III) from Thomas B. Merrick, IV, Successor Trustee for the Merrick Land Trust to Thomas B. Merrick, IV, Daniel D. Merrick, Thomas B.W. Gordon Merrick, and Randolph V. Merrick. **This transaction had no effect on the parcels.**

Deed Book 2792, page 263, dated July 6, 2004, gifted the 10 acre tract (Tract IA) and the 176 acre tract (Tract III) from Thomas Merrick, IV and Judith Merrick, Daniel D. Merrick and Sharon Merrick, W. Gordon Merrick and Sandra Merrick, and Randolph V. Merrick and Caroline Merrick to Thomas Merrick, IV and Judith Merrick, Daniel D. Merrick and Sharon Merrick, W. Gordon Merrick and Sandra Merrick, and Randolph V. Merrick and Caroline Merrick. **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,



William D. Fritz, AICP  
Chief of Zoning

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