



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

Phone (434) 296-5832

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February 11, 2008

Michael W. Hudson
3498 Starlight Road
North Garden, VA 22959

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 100, Parcel 1 (Property of Michael W. Hudson) Samuel Miller Magisterial
District**

Dear Mr. Hudson:

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 100, Parcel 1 is comprised of four (4) separate parcels of record. Each of these separate parcels has five (5) theoretical development rights.

Map Key	Approximate Acreage	Parcel of record deed
A	40	239/319
B	110.5	120/299
C	51	120/299
D	17.71	163/485

The basis for this determination follows.

Our records indicate Tax Map 100, Parcel 1 contains 217.14 acres and two dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 1801, page 643.

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 592, page 185, and is dated April 1, 1976. The deed conveyed 216 acres from John W. Mays and Evelyn P. Mays to Samuel J. Hudson and Michael W. Hudson. The property is described as being the remainder of the land conveyed to John W. Mays by the deed of record in Deed Book 239, page 319 and by the deed of record in Deed Book 245, page 70 after the conveyances to Southern Railway Company by the deed of record in Deed Book 304, pages 155 and 159. These deeds are described in detail below.

Deed Book 239, page 319, dated April 18, 1938, conveyed 40 acres from John M. Maury, Jr. & Henry B. Gordon, Commissioners to J. W. Mays. The property is

described as lying between Red Hill and North Garden Depots, on the easterly side of the right of way of the Southern Railway Company, between the lands of C. H. Burch and George W. White and being that portion now remaining of a tract of 284.5 acres conveyed by the deed of record in Deed Book 99, page 396. County real estate records confirm the location of the tract as it is sketched on the attached tax map. **On the basis of this deed the 40-acre tract is determined to be a parcel of record. The tract is identified as Parcel A on the attached key. No plat of the property was found.**

Deed Book 245, page 70, dated April 19, 1937, conveyed 2 parcels from Aubrey M. Mays & Lottie M. Mays to John W. Mays. The parcels are described as follows:

(1) Two certain tracts, aggregating 161 ½ acres lying on both sides of the Southern Railroad, one tract consisting of 110 ½ acres and the other 51 acres according to a plat by J. C. Mann of record in Deed Book 120, page 299. **On the basis of this deed it is determined that each of these parcels is a parcel of record. The 110.5-acre tract is identified as Parcel B on the key. The 51-acre tract is identified as Parcel C on the key.**

(2) That certain tract containing 81 11/60 acres exclusive of a graveyard lot of one fourth of an acre described by reference to Deed book 125, page 334. **The original 81-acre tract consisted of the Parcels now designated as T.M. 88- 7, 7A1, 7D, 7F, 7G & 7H as well as the 17.71-acre tract identified as Parcel D on the Key.**

Excepted from the parcels described above and not conveyed by this deed are the 63.22 acres conveyed by Deed Book 163, page 485. The 63.22-acre parcel is a portion of the 81 11/60 parcel. **On the basis of this deed the calculated 17.96-acre residue of the 81.18-acre tract is determined to be a parcel of record. (81.18 - .25 - 63.22 = 17.71) (40 + 110.5 + 51 + 17.71 = 219.21)**

Deed Book 304, page 155, dated February 21, 1953, conveyed 2 strips of land from John W. Mays & Evelyn P. Mays to Southern Railway Company. The strips of land contained 0.201 of an acre and 0.647 of an acre. **This transaction reduced the area of the subject parcels but had no effect on their status as parcels of record or on their development rights.**

Deed Book 304, page 159, dated February 21, 1953, conveyed a strip of land from John W. Mays & Evelyn P. Mays to Southern Railway Company. The strip of land contained 0.29 of an acre. **This transaction reduced the area of the subject parcels but had no effect on their status as parcels of record or on their development rights. 219.21 - .201 - .647 - .29 = 218.321**

Deed Book 740, page 344, dated June 3, 1982 conveyed a ½ undivided interest in the 216 acres conveyed by Deed Book 592, page 185 from Samuel J. Hudson and Michael W. Hudson as joint tenants to themselves as tenants in common. **This transaction had no effect on the parcels.**

Deed Book 1588, page 442, dated December 30, 1996 conveyed a ½ undivided interest in the 216 acres conveyed by Deed Book 740, page 344 from Catherine R. Hudson, widow, to Michael W. Hudson. **This transaction had no effect on the parcels.**

Deed Book 1801, page 643, dated March 19, 1999 contains a boundary line agreement between Nimrod T. Clark and Michael W. Hudson. The transaction is shown on a plat by Roger W. Ray & Assoc., Inc that is dated December 16, 1998. The plat shows Parcel X, containing 0.17 acres being conveyed from T.M. 100-3 to T.M. 100-1. The plat notes that no development rights are conveyed with Parcel X and that T.M. 100-1 contains 217.14 +/- acres. **This transaction increased the area of Parcel B but had no effect on the status of the separate parcels of record described above or on their development rights.**

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,



John Shepherd
Manager of Zoning Administration

Copy: Gay Carver, Real Estate Supervisor
Ella Carey, Clerk of the Board of Supervisors
McChesney Goodall, ACE Program Coordinator

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Attachments: Exhibit with plats showing parcels of record
Exhibit showing location of parcels of record on tax map

