



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

Phone (434) 296-5832

Fax (434) 972-4126

February 29, 2008

David Collins
John McNair and Associates
109 S. Wayne Avenue
Waynesboro, VA 22980

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 118, Parcel 17 (Property of Philip H. Calhoun, Thomas Calhoun, David
Calhoun, Andrew Calhoun, Jonathan Calhoun, Henry W. Calhoun et al) and Tax
Map 118, Parcel 18A (Property of Mitchell O. Carr, Trustee) Scottsville Magisterial
District**

Dear Mr. Collins:

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 118, Parcel 17 is comprised of three separate parcels. Each of these parcels has five (5) theoretical development rights. It is also my official determination that Tax Map 118, Parcel 18A is comprised of four separate parcels. Each of these parcels has five (5) theoretical development rights. These seven parcels are further identified on this matrix. The basis for this determination follows.

Key #	TMP	Parcel	Plat	Acreage	Dev. Rights
1	T.M. 118-17 (Portion)		D.B. 94, p.245	107.75	5
2	T.M. 118-17 (Portion)	Lot No. 5	D.B. 72, p. 131	40.75	5
3	T.M. 118-17 (Portion)	Lot No. 2	D.B. 72, p. 131	40.5	5
4	T.M. 118- 18A (Portion)	Lot No. 1	D.B. 72, p.131	39.25	5
5	T.M. 118- 18A (Portion)	Lot No. 5	D.B. 123, p. 60	33	5
6	T.M. 118- 18A (Portion)	Lot No. 4	D.B. 123, p. 60	25	5
7	T.M. 118- 18A (Portion)	Lot No. 3	D.B. 123, p. 60	25	5

Our records indicate Tax Map 118, Parcel 17 contains 263.25 acres and 3 dwellings. The property is not Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 1450, page 248.

(107.75 + 40.75 [Lot 5] + 40.5 [Lot 2] = 188.75) (188.75 + 36.75 [Lot 3 T.M. 118-24] + 37.5 [Lot 4 T.M. 118-18C] = 263.25) This parcel actually contains approximately 188.75 acres. The 263.25 figure includes T.M.118- 18C & 24. The County's records will be corrected.

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Our records indicate Tax Map 118, Parcel 18A contains 150.180 acres and no dwellings. The property is not Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3241, page 129.

The four original tracts that comprise this parcel are calculated to contain a total of 122.25 acres. (39.25 + 33 + 25 + 25 = 122.25) The discrepancy of 27.93 acres is not explained.

This analysis begins with the deed of record in Deed Book 72, page 131 that is dated March 20, 1877. The deed contains a plat showing 6 parcels described and identified as as follows:

Lot No. 1 contains 39.25 acres. It is a portion of T.M. 118-18A.
This established Lot No. 1 as a parcel of record. [Key # 4]

Lot No. 2 contains 40.5 acres. It is a portion of the part of T.M. 118-17 that is located to the southeast of Parcel 18A. **This established Lot No. 2 as a parcel of record. [Key # 3]**

Lot No. 3 contains contains 36.75 acres. It is designated as T.M.118-24. It is not part of this determination.

Lot No. 4 contains 37.5 acres. It is designated as T.M. 118-18C. It is not part of this determination.

Lot No. 5 contains 40.75 acres. It is a portion of the part of T.M. 118-17 that is located southeast of T.M. 118-18A. **This established Lot No. 5 as a parcel of record. [Key # 2]**

Lot No. 6 contains 47.25 acres. It is designated as T.M.118-18B. It is not part of this determination.

Deed Book 94, page 245, dated August 29, 1890, conveyed 107.75 acres from J. W. Martin and W. B. Martin to J. W. Bowen. The land is described by metes and bounds that are depicted on a sketch among the County's real estate records. The sketch, David Collins' preliminary sketch and an unrecorded plat by R. O. Snow and R. W. Ray dated April 23, 1984 all show a discrepancy with the current tax map. I find that the portion of T.M. 118-17 that is shown to be adjacent to T.M. 118-27 is actually a part of Tax Map 110, Parcel 27. Mr. Collins has noted that the description in this deed does not close which accounts for the two lines on the western side of the county sketch and Area "A2" on the Collins sketch plat. This is not surprising considering the date of the deed and the mountainous terrain of the property. **This deed established the 107.75 acre tract, a portion of T.M. 118-17 as a parcel of record. Its exact boundary must be determined by a modern survey. [Key # 1]**

Deed Book 123, page 60, contains a plat Titled Tract No. 2 Albemarle Orchard Co. on Appleberry Mountain that was recorded on May 15, 1908. The plat shows 5 tracts.

Tracts 1 thru 4 each contain 25 acres. Tract 5 contains 33 acres. Tracts 3, 4 and 5 are currently shown as part of Tax Map 118, Parcel 18A. **This deed established tracts 3, 4 & 5, which are portions of T.M. 118-18A, as parcels of record. [Key #s 5, 6 & 7]**

Deed Book 213, page 308, dated June 10, 1931, conveyed two tracts from Anna Powell, John L. Powell and Virgie M. Powell to P. M. Jones Sarah H. Jones and W. R. Moore. The first is described as containing 107.75 acres and the second containing 70 acres. Both of these parcels are described by reference to Deed Book 170, page 342. The deed also conveyed two tracts from John L. Powell and Virgie M. Powell to P. M. Jones, Sarah H. Jones and W. R. Moore. The first contains 40.5 acres and is described by reference to Deed Book 170, page 152 and the second containing 48 acres and described by reference to Deed Book 72, page 131. **This has no effect on development rights of the 107.5-acre parcel.**

Deed Book 231, page 5, dated July 12, 1935, conveyed two parcels from H. W. Walsh and Lyttleton Waddell, Trustees to P. M. Jones. The parcels are described as 107.74 acres and 70 acres, respectively, and further described by reference to Deed Book 213, page 308. **This has no effect on development rights of the 107.5-acre parcel.**

Deed Book 427, page 224, dated October 18, 1966, conveyed 5 parcels from P. M. Jones and Sarah H. Jones to Henry W. Calhoun and Katherine J. Calhoun. The parcels are described in part as follows:

Parcels Nos. 1 and 2:

- (a) That certain tract on Appleberry Mountain containing 107-3/4 acres; and
This had no effect on development rights of the parcel.
- (b) That certain tract adjoining the tract above described containing 70 acres.

These are further described as being the same property conveyed to the grantors by the deeds of record in Deed Book 213, page 308 and Deed Book 231, page 5.

Parcel Nos. 3 and 4:

- (a) That certain parcel containing 40-1/2 acres, more or less; and
On the basis of this deed, this parcel, a portion of T.M. 118-17 and designated as Lot 2 is determined to be a parcel of record with five development rights. [Key #3]
- (b) That certain parcel containing 48 acres.
There is no parcel containing 48 acres on the survey recorded in Deed Book 72, page 131. It is assumed this is Lot No. 5 that contains 40.75 acres. On the basis of this deed, this parcel, a portion of T.M. 118-17 and designated as Lot 5 is determined to be a parcel of record with five

development rights. The sketch showing this property in the real estate records identify Parcels 2 and 5 as belonging to P. M. Jones. [Key # 2]

These are further described as being shown on the plat of record in Deed Book 72, page 131.

Lot No. 5:

The parcel is described as being that certain tract situated on the upper branches of Green's Creek, being Lot No. 3 on the subdivision of record in Deed Book 72, page 131. **Lot 3 is designated as T.M. 118-24. It is not part of this determination.**

The most recent deed for the below parcels, recorded prior to the date of the adoption of this ordinance, December 10, 1980, is Deed Book 589 page 359, that is dated July 11, 1975. This deed conveyed three parcels from Martha B. Churn, Robert Gordon Churn, Grace Douglas Sprunt, Charles Worth Sprunt, Lucretia Woods Wyckoff, J. Barnard Wyckoff, Margaret Woods Gillette, Anne Woods Guzzardi, Walter Peter Guzzardi, William S. D. Woods, Jr, Lisbeth Male Woods, Montgomery Bird Woods, Theodore K. Woods, Dorothy S. Woods, Anna Burwell Woods, Page Bird Woods, First and Merchants National Bank, Julia Grayson Woods to Maria C. Woods, Lucretia D. Woods, and Anne E. Woods. The land is described as follows:

First - Two tracts of land shown on the tax maps as 119-1 and the north east portion of 118-21. This being 108 acres being the same land as shown in Deed Book 123, page 60 except for lot number 2. **On the basis of this deed, Lot 3, containing 25 acres, Lot 4 containing 25 acres and Lot 5 containing 33 acres are parcels of record that each contain five (5) development rights. These parcels are a portion of T.M. 118-18A. [Key #s 5, 6 & 7]**

Second - Three tracts designated as Parcels containing 139 acres being lots 1, 4 and 6 as shown in Deed Book 72, page 131 plus some additional 10 acres more or less adjoining lot 4 (The acreage of the 3 lots from Deed Book 72, page 131 is 124 acres, plus 10 acres equals 134 acres.) Lots 4 and 6 are not part of this determination. **On the basis of this deed Lot 1, the 39.25 portion of T.M. 118-18A is a parcel of record with five (5) development rights. [Key # 4]**

Third - 25 acres shown as Tax Map 89, Parcel 17 near Arrowhead Station. **This parcel is not part of this determination.**

Deed Book 1280, page 428, dated December 22, 1992, conveyed 20% interests in five parcels from Henry W. Calhoun & Katherine J. Calhoun to Philip H. Calhoun, Thomas A. Calhoun, David A. Calhoun, Andrew R. Calhoun and Jonathan C. Calhoun as tenants in common. The property is described as being the same property conveyed to the grantors by the deed dated October 18, 1966, Deed Book 427, page 224. **This transaction had no effect on development rights.**

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Deed Book 1283, page 437, dated January 4, 1993, conveyed 20% interests in five parcels from Henry W. Calhoun & Katherine J. Calhoun to Philip H. Calhoun, Thomas A. Calhoun, David A. Calhoun, Andrew R. Calhoun and Jonathan C. Calhoun as tenants in common. The property is described as being the same property conveyed to the grantors by the deed dated October 18, 1966, Deed Book 427, page 224. **This transaction had no effect on development rights.**

Deed Book 1448, page 412, dated December 16, 1994, conveyed 20% interests in five parcels from Henry W. Calhoun & Katherine J. Calhoun to Philip H. Calhoun, Thomas A. Calhoun, David A. Calhoun, Andrew R. Calhoun and Jonathan C. Calhoun as tenants in common. The property is described as being the same property conveyed to the grantors by the deed dated October 18, 1966, Deed Book 427, page 224. **This transaction had no effect on development rights.**

Deed Book 1450, page 248, dated January 2, 1995, conveyed 20% interests in five parcels from Henry W. Calhoun & Katherine J. Calhoun to Philip H. Calhoun, Thomas A. Calhoun, David A. Calhoun, Andrew R. Calhoun and Jonathan C. Calhoun as tenants in common. The property is described as being the same property conveyed to the grantors by the deed dated October 18, 1966, Deed Book 427, page 224. **This transaction had no effect on development rights.**

Deed Book 3241 page 129, dated June 29th, 2006, conveyed three parcels from Arrowhead Corporation of Virginia to Mitchell O. Carr. One of the parcels, containing 123.7 acres is described as Tax Map 118, Parcel 18A. **This deed had no effect on the parcels comprising T.M. 118-18A or 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.

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Sincerely,



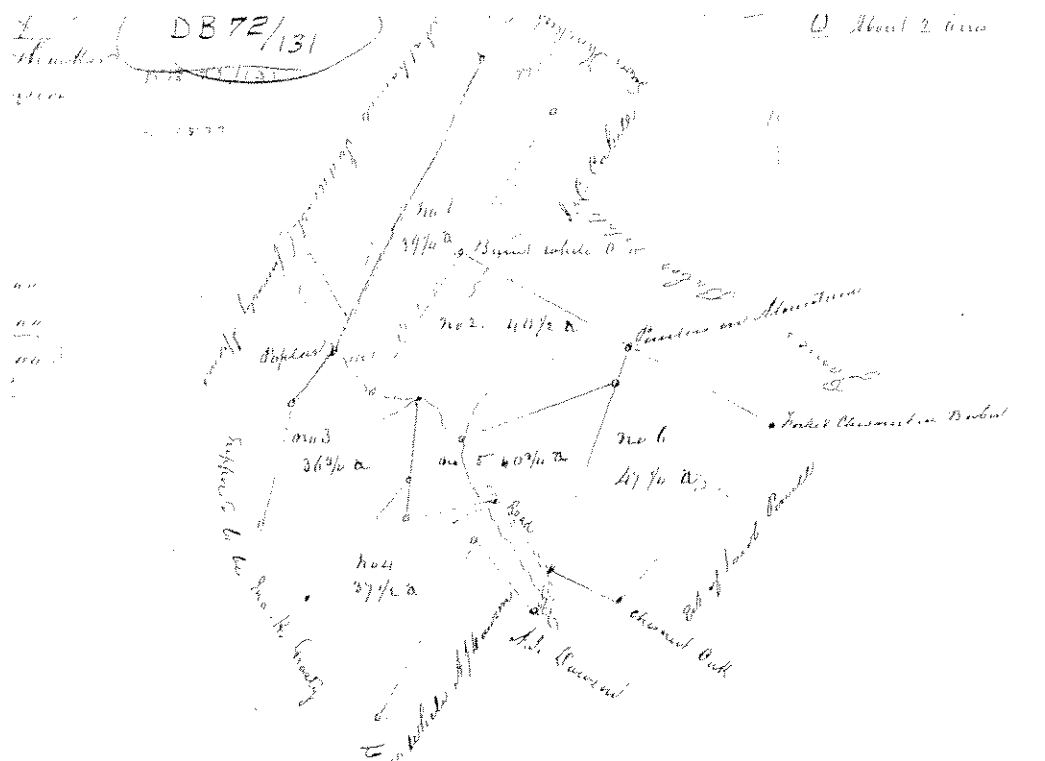
John Shepherd
Manager of Zoning Administration

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

Philip H. Calhoun etal
4195 Innesbrook Road
Glen Allen, VA 23060

Mitchell O. Carr, Trustee
567 North Charlotte Ave.
Waynesboro, VA 22980

Enclosed: Tax Map 109, 110, 118 & 119 (Portions)
Parcel Key
John McNair & Associates Preliminary Sketch
Deed Book 71, page 72 plat
Deed Book 123, page 60
Sketch from County Real Estate Records



This is a tract of land lying on the North bank of Green Creek in the County of Allegheny, known as the Lewis tract belonging to the Estate of Lewis Shuckard deceased and containing 244 acres.

According to the will of the testator, the parties interested are Elizabeth Shuckard Pleasants, Elizabeth Sudduth, Ruthen A. Shuckard, St. James Dughe, and Mary Frances Shuckard. By consent of parties the land has been divided, and lots approved as follows:

- Elizabeth Sudduth Lot No. 1 Containing 39 1/4 a & Lot No. 2 47 1/2 a
- Eliza Ann Pleasants Lot No. 2 in which she resides containing 40 1/2 a
- Mary Frances Shuckard Lot No. 3 Containing 36 1/2 a
- St. James Dughe Lot No. 4 (Containing) 37 1/2 a
- Ruthen A. Shuckard Lot 5 in which she resides containing 40 1/2 a
- Each an undivided fifth part in Lot No. 6 Containing 47 1/2 a

Lot No. 1 39 1/4 acres (Elizabeth Sudduth)

Beginning at a Great White Oak a Corner to the Cobell lands thence N 36° 16' 92" poles to a stake a Corner to Lewis Shuckard's Estate, thence N 37° 10' 79 1/2" poles to Chesnut Oak, across to Nathaniel Sudduth (formerly 4 acres) thence S 26° 1/2 W 173 poles to a Poplar on Green Creek, a Corner to Lot No. 3, thence with a new line down the Creek 28 poles to a Chesnut Oak and thence a corner to Lot No. 2 thence N 33° 55' poles to the beginning. Also in other parts adjoining the Estate of Lewis Shuckard & his Entry; lying at N West end of the above and containing two acres; Beginning at a Poplar on the Creek a Corner to Ruth's Entry, thence with a line S 10° W 62 poles to a point in Cobell's Corn, thence S 35° W 24 poles to an Oak stump in the Creek, a corner to Lewis Shuckard's Estate, thence with his line up the Creek to the beginning.

Lot No. 2 40 1/2 acres (Eliza Ann Pleasants)

DB 193
p. 60

EMBT VI

-TRACT No. 2.
ALBEMARLE ORCHARD CO.
ON Appleberry Mountain-

-M-
walkie track

450450
1947 25-10-10-10
355715



Admitted line
June 18-1902.

Etched

Shower and Rice
270 No. 450450
50' to 825' to

25 A.
12
25 A.
12
25 A.
12
25 A.
12

Part of
12A

62' to 1323
33A.
(33A)

61 1/2 W. 156 No.
1749.00
Savage fence

9. Included chestnut road -
S 24 W 19 3/4 No. 7
310.80
11. Included chestnut road -
S 18 3/4 W. 14 3/4 No. -
S 17 45' W - 24130

12. See plan at Savage Point
+ 2 sets gates on top of mountain

In this check office of Albemarle County court May 10th 1902 -
this plan was presented to me in said office and admitted the same -
Test: W. L. Mansfield Clerk -

Scale 20. poles to an inch.
J. C. Mann Engineer
Charlottesville Va.

9. 2 points in line from of 1812
S 16 1/2 W. T 2/3 S 12 1/2 W 94.05
5. 3. Pine
S 6 1/2 W. 11 S 6 1/2 W - 18150
6. Chestnut road -
S 17 C. 10 1/2 - 173.25
- Chestnut road.

Placement
line of road
S 11 3/4 W. 112 S 11 3/4 W
242.55
chestnut road
S 27 1/2 W. 20 - 330'
Pines (not marked)

45' 11' W
36' 1/2 W
5' 50' 40' Dist

123-60

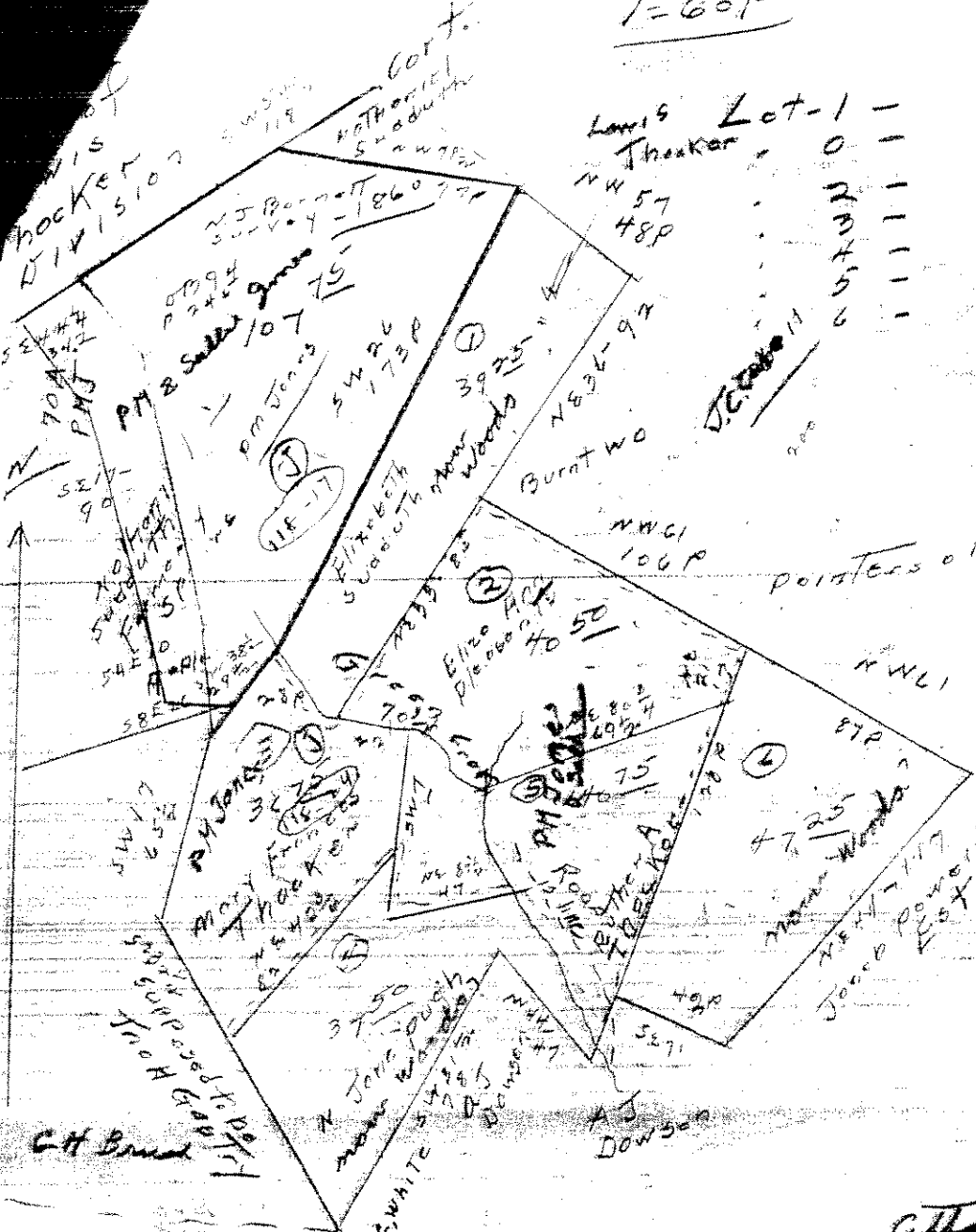
Scale
1" = 60P

DTB 77
P-131

0 About
2.5

39.25	41.25
40.00	40.50
40.75	36.25
47.25	37.75
	40.75
	47.25
	249.15

Lewis Lot-1 -
 Thacker 0 -
 NW 57 23 -
 48P 48P 11 -
 56 56 -
 6 6 -



This entire
 Tract was
 known as Leake
 Tract
 Attach to
 Parcel 24-123-38

SKETCH FROM COUNTY REAL ESTATE RECORDS