



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

Phone (434) 296-5832

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March 3, 2008

J. Alden English, Esquire  
c/o McGuireWoods LLP  
P. O. Box 1288  
Charlottesville, VA 22902

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --  
Tax Map 79, Parcel 10 (Property of Albemarle Edgehill Farm LLC) Rivanna  
Magisterial District**

Dear Mr. English:

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 79, Parcel 10 is three parcels of record with a total of eleven (11) theoretical development rights, as summarized in the table below. The basis for this determination follows the table.

Our records indicate Tax Map 79, Parcel 10 contains 866.167 acres and four dwellings. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3364, page 522.

<b>Tax Map-Parcel, Tract #</b>	<b>Acreage</b>	<b>Development Rights</b>
Tax Map 79-10, Tract #1	715.00 Acres	5
Tax Map 79-10, Tract #2	1 & 1/30 <sup>th</sup> Acres	1
Tax Map 79-10, Tract #3	172.58 Acres	5
	<b>888.61 Acres</b>	<b>11</b>

This analysis begins with the deed of record in Deed Book 185, page 85, dated November 30, 1923, as amended by correction deed in Deed Book 186, page 455, dated March 29, 1924. Both deeds conveyed 715 acres, more or less, from Norvin T. Harris & wife to Edward Dickinson Tayloe. **This deed established the first tract as a parcel of record with five (5) theoretical development rights.**

Deed Book 202, page 444, dated June 1, 1928, conveyed 1 1/30<sup>th</sup> acres, more or less, from Willie M. Smith and others to Edward Dickinson Tayloe. **This deed established the second tract as a parcel of record with one (1) theoretical development right.**

Deed Book 234, page 392, dated February 5, 1937, conveyed 173.8 acres, more or less, from W. D. Haden & wife to Edward Dickinson Tayloe. **This deed established the third tract as a parcel of record with five (5) theoretical development rights.**

Deed Book 329, page 120, dated December 28, 1956, conveyed 889 acres, more or less, from the Executors under the will of Edward Dickinson Tayloe and Edward Thornton Tayloe & Virginia Baird Tayloe, his wife, to Ray A. Graham, III. This deed describes the land known as "Edgehill" containing 889 acres more or less as being composed of the same three tracts described in Deed Book 185, page 85, Deed Book 186, page 455, Deed Book 202, page 444 and Deed Book 234, page 392. This is the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. **Based on this deed, Tax Map 79, Parcel 10 is determined to be three parcels of record with a total of eleven (11) theoretical development rights.**

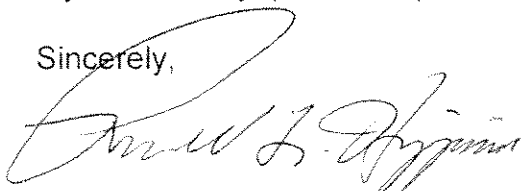
Deed Book 3364, page 522, dated February 7, 2007, conveyed 866.07 acres from Ray A. Graham, III to Albemarle Edgehill Farm, LLC. The property is described as being the same as the "899 acres" that was conveyed by Deed Book 329, page 120. The difference in acreage is due to conveyances, through condemnation, to the State of Virginia for road construction. **This transaction had no effect on the parcels or the 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,



Ronald L. Higgins, AICP  
Chief of Zoning

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

