



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

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Fax (434) 972-4126

April 15, 2008

Mr. Brian S. Ray
c/o Roger W. Ray & Assoc.
1717-1B Allied Street
Charlottesville, VA 22903

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 8, Parcel 40 (Property of Gary Wayne Morris) Whitehall 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 8, Parcel 40 is two (2) lots of record having five (5) theoretical development rights each. The basis for this determination follows.

Our records indicate Tax Map 8, Parcel 40 contains 39 acres and one dwelling. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3393, page 655.

This analysis begins with the deed of record in Deed Book 149, page 498 that is dated May 7, 1912. This deed conveys 27 acres from George H. Elliott to George Williams, et al. This deed contains a detailed description of the twenty-seven (27) acre tract which corresponds exactly to the exterior boundaries of the plat referenced and attached to that deed. While the plat shows a line depicting two portions, one of 20 acres and one of 7 acres, the line is not described in any fashion and the dimensions of separate lots are neither shown on the plat nor described in the deed. **This deed establishes the 27 acre tract as a parcel of record with five (5) theoretical development rights.**

Deed Book 157 page 80, dated September 2, 1914, conveyed 27 acres from George & Amanda Williams to W. A. Keyger. The land is described as the same land purchased by George Williams of G. H. Elliott, as described in Deed Book 149, page 498 above. **This transaction had no effect on the parcel.**

Deed Book 168, page 67, dated May 16, 1918, conveyed 27 acres from W. A. Keyger, Trustee to William Frazier. The property is described as being the same as was conveyed by Deed Book 157, page 80. **This transaction had no effect on the parcel.**

Deed Book 192, page 81, dated January 1, 1926, conveyed 17 acres, more or less from George H. Elliott to J. W. Frazier, J. W. Frazier being the same person as William Frazier in the aforementioned deed. **This deed establishes the 17 acre tract as a parcel of record with five (5) theoretical development rights.**

Deed Book 239, page 240, dated March 29, 1938, conveyed 27 acres and 17 acres from J. W. Frazier & Carrie Frazier, his wife to W. H. Shiflett & Althia Shiflett, his wife. The 27 acre property is described as being the same as was conveyed by Deed Book 168, page 67. The 17 acre property is described as being the same as was conveyed by Deed Book 192, page 81. **This transaction had no effect on the parcels.**

Deed Book 402, page 219, dated October 23, 1964, conveyed five acres off of the 27 acre tract from William Henry (W. H.) & Althia Shiflett, husband and wife, to John W. & Nancy B. Sacre, husband and wife. The property is described as being a portion of the same property as was conveyed by Deed Book 239, page 240. **This transaction had no effect on the parcels.**

The most recent instrument for these parcels, recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 515, page 204, and is dated September 27, 1972. The deed conveyed two tracts totaling 44 acres conveyed in Deed Book 239, page 240, less 5 acres conveyed in Deed Book 402, page 219, now known as Tax Map 8, Parcel 40, from Althia Shiflett (sic), a widow, to Albright & Hazel Morris, husband and wife and Jerome & Emma May Morris, husband and wife. **Based on this deed, Tax Map 8, Parcel 40 is determined to be two parcels of record with five (5) development rights each for a total of 10 theoretical development rights.**

Deed Book 3173, page 476, dated March 8, 2006, conveyed part interest in 39 acres from Jerome & Emma May Morris, husband and wife to Gary Wayne Morris, Jerome Ray Morris and Imogene Faith Morris. The property is described as being the same as was conveyed by Deed Book 515, page 204. **This transaction had no effect on the parcels.**

Deed Book 3177, page 338, dated March 8, 2006, conveyed part interest in 39 acres from Albright Morris to Gary Wayne Morris, Jerome Ray Morris and Imogene Faith Morris. The property is described as being the same as was conveyed by Deed Book 515, page 204. **This transaction had no effect on the parcels.**

Deed Book 3377, page 743, dated March 2, 2007, conveyed part interest in 39 acres from Hazel S. Walker, formerly know as Hazel Morris to Catherine Lee Morris. The property is described as being the same as was conveyed by Deed Book 515, page 204. **This transaction had no effect on the parcels.**

Deed Book 3393, page 652, dated April 2, 2007, conveyed part interest in 39 acres from Imogene Faith Morris to Gary Wayne Morris. The property is described as being the same as was conveyed by Deed Book 3173, page 476 and Deed Book 3177, page 338. **This transaction had no effect on the parcels.**

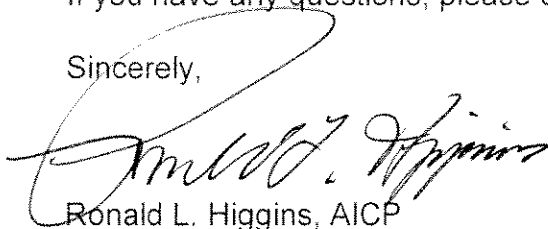
Deed Book 3393, page 655, dated April 2, 2007, conveyed part interest in 39 acres from Jerome Ray Morris to Gary Wayne Morris. The property is described as being the same as was conveyed by Deed Book 3173, page 476 and Deed Book 3177, page 338. **This transaction had no effect on the parcels.**

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.

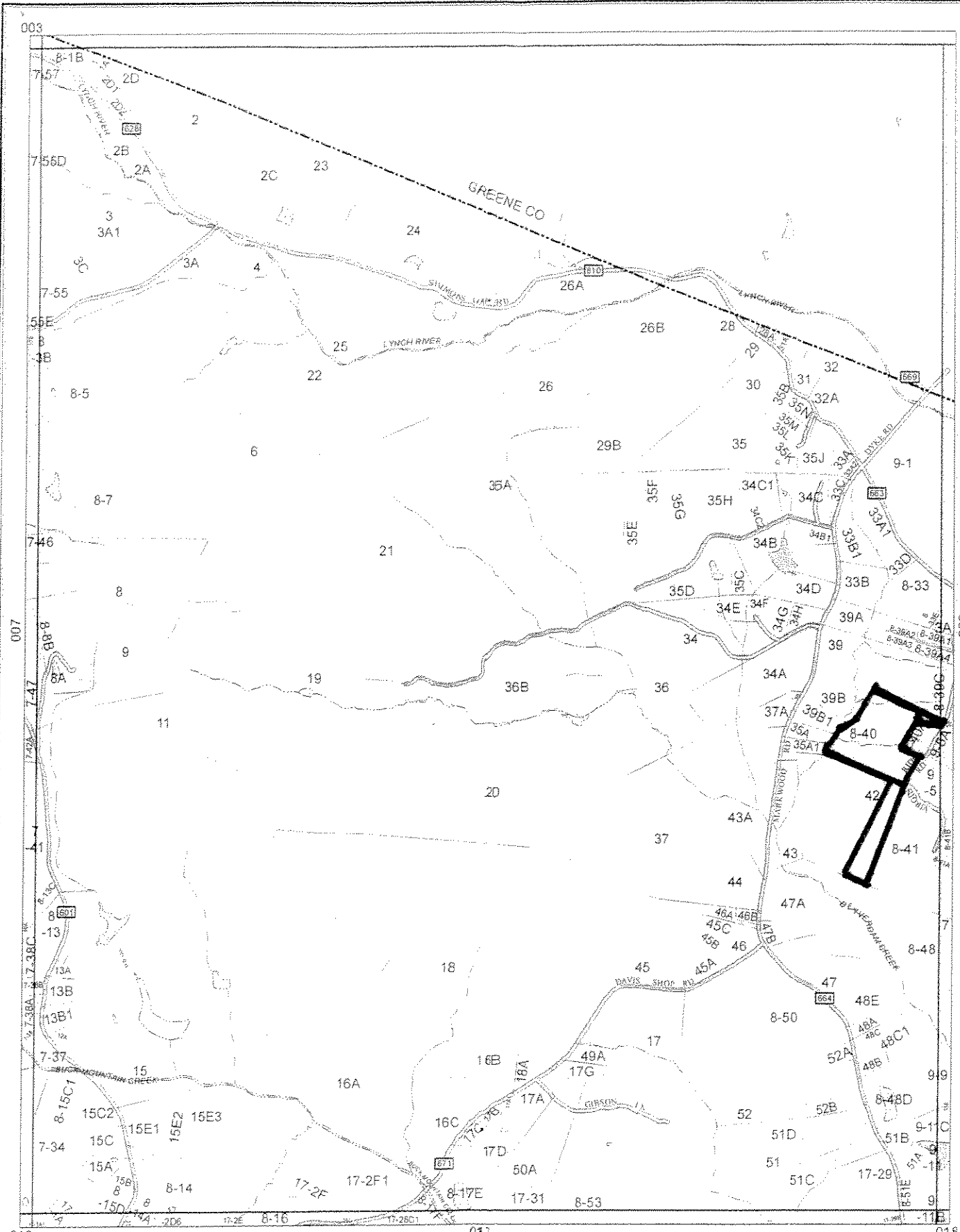
If you have any questions, please contact me.

Sincerely,



Ronald L. Higgins, AICP
Chief of Zoning

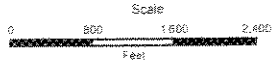
Copy: Gay Carver, Real Estate Supervisor
Ella Jordan, Clerk of the Board of Supervisors
Gary W. Morris & Catherine Lee Morris



GREENE CO

Albemarle County

Tax Map:
008



Note: This map is for display purposes only and shows parcels as of 12/31/2006. See Map Book Introduction for additional details.

