



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

Phone (434) 296-5832

Fax (434) 972-4126

July 14, 2009

Catherine J. Womack, Esquire
c/o Feil, Pettit & Williams, PLC
530 East Main Street
P. O. Box 2057
Charlottesville, VA 22902

**RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 99,
Parcel 52 (Property of Ronald Scott & Kathy Y. Woodson) Samuel Miller
Magisterial District**

Dear Kathy:

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 99, Parcel 52 is a parcel of record and has a total of four (4) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 99, Parcel 52 contains 140.364 acres and no dwellings. The property is within the Hardware Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3121, page 528.

This analysis begins with the deed of record in Deed Book 679, page 755 that is dated February 15, 1979. The deed conveys two parcels from Charles E. and Betty Tress Woodson, husband and wife to Albemarle Bank and Trust Company, Trustee for the Woodson Land Trust. These two parcels are described as Parcel 51, Tax Map 99, containing 14.28 acres, more or less, and Parcel 52, Tax Map 99, containing 192.60 acres, more or less. This is also the most recent instrument for these parcels recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. **Based on this deed, Tax Map 99, Parcel 51 and Tax Map 99, Parcel 52 are determined to be parcels of record with five (5) theoretical development rights each.**

Deed Book 875, page 122, dated April 21, 1986, conveyed the two parcels, containing 14.28 and 192.60 acres, respectively, from Albemarle Bank and Trust Company, Trustee of the Woodson Land Trust to Charles E. & Betty Tress Woodson, husband and wife, and Ronald Scott Woodson. The property is described as being the same as was conveyed by Deed Book 679, page 755. **This transaction had no effect on the parcels.**

Deed Book 1309, page 260, dated May 7, 1993, conveyed 64.436 acres from Charles E. & Betty Tress Woodson, husband and wife, and Ronald Scott Woodson to Rayford S. & Carol B. Jones, husband and wife. The property is described as being the same as was conveyed by Deed Book 875, page 122. This deed also included a plat by Gloeckner & Osborne, dated May 3, 1993, approved by Albemarle County for recordation. This plat includes notes that state "TMP 99-52 RETAINS 5 DEVELOPMENT RIGHTS. NO DEVELOPMENT RIGHTS ARE BEING TRANSFERRED WITH THIS REDIVISION." **This transaction conveyed a majority of Tax Map 99, Parcel 51, without conveying the development rights. However, this deed and plat confirm five (5) development rights for the resulting Tax Map 99, Parcel 52. The development rights for Tax Map 99, Parcel 51 are undetermined and unallocated.**

Deed Book 1604, page 338, dated April 8, 1997, conveyed 4/5th interest in the two parcels from Charles E. & Betty Tress Woodson as tenants by the entirety with full rights of survivorship to Charles E. & Betty Tress Woodson as tenants in common. The property is described as being the same as was conveyed by Deed Book 875, page 122. **This transaction had no effect on the parcels.**

Deed Book 3050, page 483, dated August 8, 2005, conveyed "142.44 acres, more or less, consisting of Parcel 51, Tax Map 99, containing 14.28 acres, more or less, and Parcel 52, Tax Map 99, containing 192.60 acres, more or less, LESS AND EXCEPT 64.436 acres conveyed to Rayford S. Jones and Carol B. Jones by deed of record...in Deed Book 1369 (sic), page 260 from Ronald Scott Woodson to Ronald Scott Woodson and Kathy Y. Woodson. The property is also described as being the same as was conveyed by Deed Book 875, page 122, less the 64.436 acres. **This transaction had no effect on the parcels.**

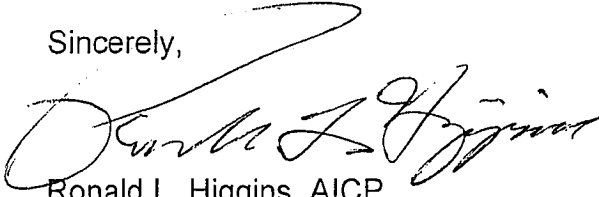
Deed Book 3121, page 528, dated November 2, 2005, conveyed 2.08 acres from Ronald Scott Woodson and Kathy Y. Woodson, husband and wife to Jared S. & Sarah G. Woodson, husband and wife, and William Joel Woodson and Joshua Charles Woodson. The property is described as being a portion of the same as was conveyed by Deed Book 3050, page 483. **This transaction included a plat which assigned one (1) development right to the 2.08 acres off-conveyed and retained four (4) development rights for TMP 99-52.**

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,

A handwritten signature in black ink, appearing to read "Ronald L. Higgins". The signature is fluid and cursive, with a large initial "R" and "H".

Ronald L. Higgins, AICP
Chief of Zoning

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