



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

Phone (434) 296-5832

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September 8, 2016

Ches Goodall
1516 West Ave
Richmond VA 23220

RE: LOD2016-00014 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel IDs 05700-00-00-043C0, 05700-00-00-04400, 05700-00-00-044A0, 05700-00-00-04500, 05700-00-00-04600, and 05700-00-00-046A1 (Property of BUCK'S ELBOW FARM CORP) Samuel Miller Magisterial District.

Dear Mr. Goodall:

The County Attorney and I have reviewed the title information for the above-noted properties. It is the County Attorney's advisory opinion and my official determination that **Parcel IDs 05700-00-00-043C0** is comprised of one (1) parcel of record with three (3) theoretical developments rights, **05700-00-00-04400** is comprised of two (2) parcels of record one parcel with five (5) theoretical developments rights and a separate parcel with five (5) theoretical developments rights, **05700-00-00-044A0** is comprised of one (1) parcel of record one with three (3) theoretical developments rights, **05700-00-00-04500**, is comprised of one (1) parcel of record with three (3) theoretical developments rights, **05700-00-00-04600** is comprised of one (1) parcel of record with five (5) theoretical developments rights, and **05700-00-00-046A1** is comprised of one (1) parcel of record with five (5) theoretical developments rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel IDs 05700-00-00-043C0 contains 6.143 acres and zero (0) dwellings, 05700-00-00-04400 contains 34.14 acres and zero (0) dwellings, 05700-00-00-044A0 contains 7.796 acres and zero (0) dwellings, 05700-00-00-04500 contains 7.13 acres and zero (0) dwellings, 05700-00-00-04600 contains 72.30 acres and zero (0) dwellings, and 05700-00-00-046A1 contains 26.837 acres and zero (0) dwellings.** The property is zoned RA, Rural Areas.

The most recent deeds for the following parcels, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance: **Parcel IDs - 05700-00-00-04400, 05700-00-00-04600 and 05700-00-00-046A1** is recorded in Deed Book 317, page 319 dated July 5, 1955; **05700-00-00-04500** is recorded in Deed Book 508, page 571 dated June 15, 1972, **05700-00-00-043C0** is recorded in Deed Book 528, page 257 dated May 8, 1973, , **05700-00-00-044A0** is recorded in Deed Book 562, page 609 dated July 29, 1974.

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-043C0 (6.37 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
370 / 430	07/17/1961	Y	Plat of a division into 3 parcels, PARCEL "A" 8.02 acres, PARCEL "B" 33.87 acres, and PARCEL "C" 6.37 acres. This deed transferred Parcel B.	6.37
528 / 257	05/08/1973	N	DEED OF EXCHANGE of Parcel "C" on plat in DB 370 P 430 for interest in a 78.9 acre tract from DB 354 P 59	6.37

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-04400 (26 acres & 42 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
99 / 160	02/22/1889	N	This deed recoded a plat that shows Lot No. 1 as 68 acres, Lot 2 as 25¼ acres and Lot 3 as 20¼ acres.	68
100 / 150	11/17/1893	Y	...a tract of 26 acres of land... and described according to a Survey and plat made by J.T.E. Simms, County Surveyor...	26
150 / 258	09/14/1912	N	...that certain tract or parcel of land...containing forty-two acres, more or less, and being a portion of a sixty-eight acre tract of land which was conveyed in DB 84 P 454... A tract of 26 acres which is a portion of said 68 acre tract, which was conveyed... in DB 100 P 150.	42
159 / 259	03/25/1915	N	...all that certain tract or parcel of land... conveyed in DB 100 P 150, together with a plat thereof at page 151... described as follows: "A tract of 26 acres of land ... described according to a survey and plat made by J.T.E. Simms, County Surveyor..."	26
200 / 251	04/21/1928	N	...the following property to-wit: First: All that certain tract or parcel of land... containing 42 acres, more or less, and being the same property in... DB 150 P 258. Second: All that certain tract or parcel of land... containing 26 acres, and being the same property in... DB 159 P 259. This tracts is described according to a plat recorded in... DB 100 P 151.	42 & 26
There is no deed that officially combines the 42 acre and the 26 acre tracts. The following deeds just started to refer to the property as one tract of 68 acres. This letter is determining that the one 68 acre tract is actually two tracts, one of 42 acres and one of 26 acres.				
218 / 142	11/30/1932	N	...all that certain tract or parcel of land... containing 68 acres, more or less... and which in all respects is the same tract conveyed... in DB 200 P 521.	68
295 / 595	05/10/1951	N	...all of that certain tract of land containing 68 acres, more or less... and being in all respects the same property in... DB 218 P 142	68
310 / 598	05/25/1954	N	...all that certain tract of 68 acres, more or less... being the same property in... DB 295 P 595	68
317 / 319	07/05/1955	N	...the following three tracts or parcels of land: I. All that certain tract or parcel of land containing 68 acres, more or less, and being the same property in... DB 310 P 598. II. ... III. ...	68

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-044A0 (7.8 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
562 / 609	07/26/1974	Y	Plat of a division into 3 parcels, PARCEL 1 7.8 acres, PARCEL 2 7.67 acres, and PARCEL 3 8.0 acres. This deed transferred Parcel 3. ...being a portion of the property conveyed in DB 317 P 319. Parcel 1 and 2 remained with grantor. These three PARCELS were created from the 42 acre portion of the 68 acres referenced in the DB 317 P 319. These parcels total 23.47 acres. The noted plat does not reference the residue acreage but by calculation the residue would have been 18.53 acres.	7.8

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-04500 (10.68 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
99 / 160	02/22/1889	Y	...all that certain tract of land ...containing twenty five and one fourth acres...	25.25
446 / 331	07/26/1968	N	...all her one-quarter undivided interest in and to that certain tract or parcel of land, containing 25 ¼ acres, more or less, being the same property conveyed in... DB 99 P 160	25.25
451 / 525	11/25/1968	N	...a three-fourths undivided interest in and to that certain tract or parcel of land ...containing 25 ¼ acres, more or less, being the same property conveyed in... DB 99 P 160	25.25
508 / 571	06/15/1972	Y	...all that certain parcel of land..., containing 14.57 acres. Said parcel is a portion of property conveyed in DB 446 P 331 and DB 451 P 525 The platting of the 14.57 acre tract split the remaining portion of TMP 57-45 in two parts. The plat for the 14.57 acres did not reference how much acreage remained with the remaining part of Parcel 45, by calculation it would have left 10.68 acres. The 10.68 acres may not be entirely correct since it appears that the 14.57 acres may have small portions of what would have been the 26.9 acres from Parcel 46A1. Until a revised survey is platted the 10.68 acres is sufficient for this determination.	25.25 - 14.57 = 10.68

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-04600 (72.30 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
171 / 517	11/10/1919	Y	...a certain tract or parcel of land... containing 72.3 acres, more or less, and according to plat of Hugh F. Simms, dated March, 1917 and attached hereto as part of this deed...	72.30
317 / 319	07/05/1955	N	...the following three tracts or parcels of land: I. ... II. All that certain tract or parcel of land containing 72.3 acres, more or less, and described by metes and bounds by plat of Hugh F. Simms, S.A.C., dated March, 1917... in DB 171 P 517. III. ...	72.30

PRIOR TO DECEMBER 10, 1980
Parcel ID 05700-00-00-046A1 (26.90 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
315 / 425	03/29/1955	Y	...all that certain lot or parcel of land... containing 43.6 acres by estimate as shown on plat of C.H Shapleigh dated March, 1955 hereto attached. Said 43.6 acre tract of land is that portion of the seventy and one-half acre tract shown on plat recorded in DB 150 P 487, which lies east of Route #682. This would leave 26.9 acres on the west side of Route #682. It is this deed that creates the 26.9 acre tract as the residue of the 70.5 acre tract after the 43.6 acres is platted with this deed.	26.90
317 / 319	07/05/1955	N	...the following three tracts or parcels of land: I. ... II. ... III. All that certain tract or parcel of land containing 26.9 acres, more or less, and being all that remains of a certain tract of 70 ½ acres, more or less,...after conveyance... of 43.6 acres... in DB 316 P 425.	26.90

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-043C0 – (6.37 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	N	All that certain tract or parcel of land... containing 6.37 acres... shown as Parcel "C" on a plat ...in DB 370 P 432.	6.37	3

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-04400 – (23.57 acres and 10.27 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	Y	All that certain tract or parcel of land... containing 30.59 acres and being all of a tract of 44.4 acres, except the residence tract of land on Buck's Elbow Farm consisting of the house and 13.85 acres described as Parcel 11 on a plat... attached hereto and recorded herewith... and being part of 68 acres, more or less, which was conveyed in DB 317 P 319.		
			This description was taken from the deeds that referenced the parcel as 68 acres total and not two separate parcels of 42 acres and 26 acres. That being said the remaining portions of each of the two parcels is calculated as follows: It is determined that as of December 10, 1980, Parcel 44 was actually two separate parcels, one of 42 acres and one of 26 acres. The 42 acre portion was divided in July of 1974 in DB 562 P 608 which showed the creation of three parcels. The total of these three parcels is 23.47 acres. This 23.47 acres would have been removed from the 42 acre portion noted above, leaving by calculation 18.53 acres as of 12/10/1980. Then in June of 1981 a 13.85 acre parcel is created with portions of both the 42 acre and 26 acres, this is now Parcel 44D. On the plat of the 13.85 acres there is no calculation of the area for each portion, thus those areas have been approximated by calculation and subtracted from both the 42 acres and the 26 acres. This calculation would leave 23.57 acres from the 26 acres and 10.27 acres from the 18.53 acres. The plat for the 13.85 acres notes that no development rights are transferred thus 5 development rights remain with each portion of Parcel 44, 23.57 acres and 10.27 acres.	23.57	5
				10.27	5

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-044A0 – (7.8 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	N	...more particularly described as follows: <u>PARCEL 1:</u> All of that certain tract or parcel of land... containing 7.8 acres designated as Parcel 1 of Buck's Elbow farm on a plat ...in DB 562 P 611; and being part of a tract of 68 acre, more or less, conveyed... in DB 317 P 319.	7.8	3
1058 / 626	7/05/1989	N	All that certain lot or parcel of land... containing 7.8 acres designated as Parcel 1 of Buck's Elbow farm on a plat ...in DB 562 P 611... being the same property conveyed in DB 721 P 102.	7.8	3
1334 / 88	8/09/1993	N	All that certain lot or parcel of land... containing 7.8 acres designated as Parcel 1 of Buck's Elbow farm on a plat ...in DB 562 P 611... being the same property conveyed in DB 1058 P 626.	7.8	3

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-04500 – (7.52 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	Y	...more particularly described as follows: <u>PARCEL 5:</u> All of that certain tract or parcel of land... containing 10.68 acres... and being all that remains of a certain tract of 25.25 acres after conveyance... of 14.57 acres... This deed also records a plat of 13.85 acres. The 13.85 acres is made up of portions of Parcel 44 and Parcel 45 and is known to today as Parcel 44D. The acreage for the portion of Parcel 45 is not stated on the plat and the remaining acreage of Parcel 45 to the south of Parcel 45A is also not stated. By calculation there would be approximately 7.52 acres in the remaining portion of Parcel 45 which is south of Parcel 45A. The plat in this deed book notes that no development rights are being transferred to Parcel 11 (TMP 57-44D). This would mean that all original 5 development rights would remain with Parcel 45. That said, the approximate acreage of 7.52 acres remaining would be able to potentially utilize only 3 of the 5 development rights.	Approx 7.52	3 potentially viable (5 total)

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-04600 – (72.3 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	N	...more particularly described as follows: <u>PARCEL 4:</u> All of that certain tract or parcel of land... containing 72.3 acres... and described by metes and bounds by plat... in DB 171 P 517... and being part of the property conveyed in DB 317 P 317.	72.3	5

AFTER DECEMBER 10, 1980
Parcel ID 05700-00-00-046A1 – (26.9 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
721 / 102	6/15/1981	N	...more particularly described as follows: <u>PARCEL 3:</u> All of that certain tract or parcel of land... containing 26.9 acres, more or less,... and being all that remains of 70 ½ acres, more or less, described by metes and bounds by plat... in DB 150 P 485... after conveyance... of 43.6 acres by estimate as shown on a plat... in DB 315 P 425.	26.9	5

On the basis of these deeds

Parcel ID 05700-00-00-043C0 is determined to be one (1) parcel of record, comprised of approximately 6.143 acres[±], containing 3 development rights;

Parcel ID 05700-00-00-04400 is determined to be two (2) parcels of record, one comprised of approximately 23.57 acres[±], containing 5 development rights and one comprised of approximately 10.27 acres[±], containing 5 development rights;

Parcel ID 05700-00-00-044A0 is determined to be one (1) parcel of record, comprised of approximately 7.8 acres[±], containing 3 development rights;

Parcel ID 05700-00-00-04500 is determined to be one (1) parcel of record, comprised of approximately 7.52 acres[±], containing 3 development rights;

Parcel ID 05700-00-00-04600 is determined to be one (1) parcel of record, comprised of approximately 72.30 acres[±], containing 5 development rights; and

Parcel ID 05700-00-00-046A1 is determined to be one (1) parcel of record, comprised of approximately 26.9 acres[±], containing 5 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 of record 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.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with Chapter 18, Section 34.3 of the Albemarle County Code, along with a fee of \$258 plus the actual cost of advertising the appeal for public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Albemarle County Code. They may be reviewed online at www.albemarle.org/countycodebza.

(Please note that our online documents are in Adobe Acrobat PDF format and must be viewed with the Adobe Acrobat Reader or an equivalent. A link to download the free plug-in is available at the bottom of www.albemarle.org/cdapps.)

If you have any questions, please contact me.

Sincerely,



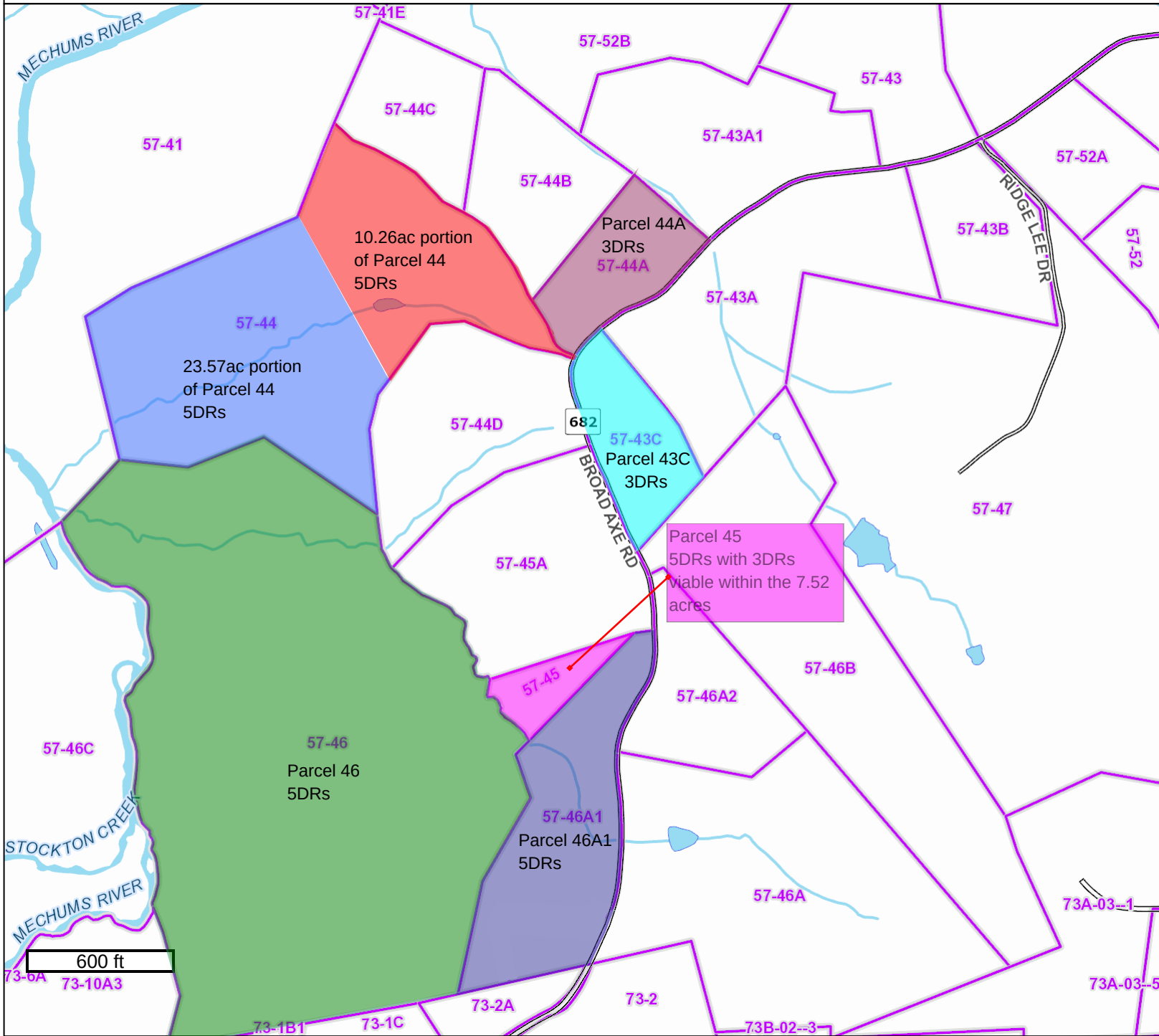
Francis H. MacCall
Principal Planner

Attachment: Map delineating parcel of record

Copy: Sheila L. Conrad, Real Estate Tech, Real Estate
Ella Jordan, Clerk of the Board of Supervisors

BUCKS ELBOW FARM CORP
C/O MARY JORDAN BAKER
2301 WINDSOR ROAD AUSTIN TX 78703

LOD2016-00014 BUCK'S ELBOW FARM



Legend
(Note: Some items on map may not appear in legend)

- Points of Interest
 - AIRPORT
 - COLLEGE/UNIVERSITY
 - COMMUNITY
 - FIRE/RESCUE STATION
 - GOVERNMENT
 - HOSPITAL
 - LIBRARY
 - POLICE STATION
 - POST OFFICE
 - RECREATION/TOURISM
 - SCHOOL
- Parcel Info
 - Parcels



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