

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>DENVER PAVILIONS LP,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Barry J. Goldsein Address: 950 South Cherry Street #320 Denver, Colorado 80246 Phone Number: (303) 757-8865 E-mail: Attorney Reg. No.: 2218</p>	<p><b>Docket Number: 39804</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 15, 2002, Debra A. Baumbach and Karen E. Hart presiding. Petitioner was represented by Barry J. Goldstein, Esq. Respondent was represented by Laurie J. Heydman, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**500 16<sup>th</sup> Street, A & B (Denver County Schedule #02346-15-030-000)**  
**500 16<sup>th</sup> Street, C & D (Denver County Schedule #02346-14-034-000)**

Petitioner is protesting the 2001 actual value of the subject property, a mixed use retail complex consisting of four retail buildings containing approximately 345,000 square feet of gross leaseable area.

**ISSUES:**

**Petitioner:**

Petitioner contends that the subject property is a unique, one-of-a-kind retail and entertainment pavilion. A portion of the property was not complete on January 1, 2001. Respondent has failed to adequately account for actual expenses and has also overstated rents. The land value, unfinished space value, and the tieback value of the air and sub-surface rights are not in dispute.

**Respondent:**

Respondent contends that the subject property opened in 1998. Construction costs were \$107,000,000.00, according to Petitioner’s website. The assigned value is based on all three approaches to value. Petitioner has only presented the income approach.

**FINDINGS OF FACT:**

1. Petitioner's witness, Mr. Steve R. Letman, CRE, MAI, SRPA, ASA, GAA, President of Consultus Asset Valuation, Inc., presented the following indicators of value:

Market:	Not Applicable
Cost:	Not Applicable
Income:	\$51,351,000.00 Before Adjustment
Income:	\$48,039,000.00 After Adjustment

2. Mr. Letman testified that he prepared a complete retrospective appraisal effective June 30, 2000. The subject property occupies approximately two blocks on the 16<sup>th</sup> Street Mall. The property fronts on 16<sup>th</sup> Street and is the newest and largest facility at the east end of the 16<sup>th</sup> Street Mall. There are four retail buildings consisting of three and four stories. The total land area is 146,300 square feet. According to the rent roll, the gross building rentable area is 345,000 square feet. There is no anchor tenant; the largest tenant is the United Artist Theatres. There is a two-level parking garage located under the property and Glenarm Street. There are also two surface parking lots owned by Cheesman and Brookfield. There is a 25-foot driveway located on another property. There is a pedestrian bridge and retail space above Glenarm Street; the air rights are owned by the Petitioner. There is unfinished space in the property. There are two vacant spaces in one block, and a large space that has not been rented in the other block.

3. Mr. Letman testified that there are “tiebacks” associated with the subject property; the 25-foot wide driveway, the below surface parking lots under the above surface parking lots, and the air rights.

4. Mr. Letman testified that the subject property cannot be considered a regional or community center, regardless of its size, as it lacks a large anchor tenant. There are other major centers on the mall; most are located at the west end. Major competition is from the regional malls in the metro area, partly due to their free, plentiful parking. The subject has 800 parking spaces, but 564 spaces are leased for monthly parking.

5. Petitioner's witness did not present a sales comparison approach to value. Mr. Letman testified that he did not find sales of similar properties to use for the market approach, even though he did a nationwide search for sales.

6. Regarding Respondent's comparable sales, Mr. Letman testified that the assessor used the Southwest Plaza sale, which included business value. He does not believe the sale at 1600 California is a good comparable. He believes only one of the assessor's sales might be comparable to the subject.

7. Petitioner's witness testified that he did not calculate a cost approach, as it is rarely used by potential purchasers for this type of property.

8. Mr. Letman testified that he considered all three approaches, and concluded that the income approach would be most important to a potential purchaser.

9. Petitioner's witness presented an income approach to derive a value of \$51,351,000.00 for the subject property before adjustments for "tiebacks" and unfinished space.

10. Mr. Letman testified that he determined the subject rents were market leases and therefore he used the actual income for the income approach; all of the leases were entered into during the base period. The gross leaseable area is the total floor area designed for tenants the area for which tenants pay rent. Approximately 57,000 square feet were vacant as of January 1, 2001. The subject property has experienced a higher than normal vacancy; it has not achieved higher than 83% occupancy.

11. Mr. Letman testified that there was no unusual physical depreciation at the subject and no deferred maintenance. The physical age on the assessment date was four years. The local, larger malls they studied had life spans of 30-37 years and were then demolished. He thinks the subject will have an economic life of 20-25 years; he calculated an effective life of five years based on a 20-year life.

12. Mr. Letman testified that there were three sources of functional obsolescence at the subject property. On the third floor, there is a restaurant that has difficulty in attracting customers, and there are also two large spaces that have not been leased; it is difficult to have successful retail on a third floor. Additionally, there are periods when the escalators do not function due to extreme temperatures, which are a result of the open-air design of the mall. There is also nighttime vandalism, which results in higher security costs.

13. Mr. Letman testified that he did not observe any external obsolescence in the subject property's neighborhood, which is defined as the 16<sup>th</sup> Street Mall.

14. Mr. Letman testified that he used a 17% vacancy rate and 3% for excessive escalator maintenance and extra security expenses. He used 20% for physical depreciation, for a total of 40% depreciation from all sources. He testified that he believes the assessor failed to recognize functional obsolescence and did not apply enough physical depreciation.

15. Mr. Letman testified that the subject property has 37 tenants, with a gross leased area of 345,000 square feet. There is 57,000 square feet of vacant space. His net income for parking is \$0.83 per square foot. The total effective gross income was \$33.48 per square foot, which falls within the Ross Research Report rent range of \$10.00 to \$40.00 per square foot.

16. Mr. Letman testified that the actual vacancy rate was 17%. The subject property has been open since 1998. He believes the occupancy is stabilized. He has included CAM reimbursements as income; therefore, his expenses represent all expenses at the subject property. He did not deduct for a vacancy rate, as he used actual income, which would inherently provide for vacancies. The actual operating expenses are 36% of effective gross income, equated to \$11.77 per square foot without reserves. He used \$0.48 per square foot for reserves. He also deducted tenant improvement (TI) and leasing expenses of \$4.12 per square foot. He used an 11.5% capitalization rate, which is the same rate used by the assessor. His income value was \$51,351,000.00, before deduction for "tiebacks" and the partially complete portion of the center. He does not believe the assessor should use a percentage for expenses.

17. Regarding his "tieback" deduction, Mr. Letman testified that he calculated 20% of the surface parking lot value for the 25-foot delivery alley, which is the actual occupied space. He used the same air and underground rights value as the assessor. His total "tieback" deduction was \$1,519,800.00. He agrees with the assessor's unfinished space deduction of \$1,792,200.00. His total deduction calculates to \$3,312,000.00, for a total final value of \$48,039,000.00, which equates to \$138.84 per square foot.

18. Mr. Letman testified that the biggest difference between his and the assessor's income approaches is the expense amounts. Additionally, the assessor used \$2.50 per square foot for other income.

19. Mr. Letman testified that he has discovered an error in his calculations, and that his corrected value for the subject property should be \$50,559,000.00, after additional deductions.

20. Under cross examination, Mr. Letman clarified that the Denver Pavilions is not assessed for the two parking lots, which are not a part of this petition. He rounded the rentable area total from 345,587 to 345,000 square feet, of which 2,000 square feet are vacant and 55,000 square feet are unfinished. He included unfinished space in his vacancy calculations. He admitted that the typical Marshall & Swift expected age for the subject property is 50-55 years, which would leave 51-53 years of remaining economic life. The subject property's actual age is four years, calculated from 1997 to the assessment date of January 1, 2001. Café Oddysey was a tenant on the rent roll as of the assessment date, but he was told that the Café did not pay rent for most of year 2000. The higher security costs would be reflected in the expense sheets of the subject. His 83% occupancy came from the rent roll and would include unfinished space.

21. He did not prepare a cost approach as it is only a 35% secondary consideration of potential purchasers, according to the Integra Realty Survey's responses. He did not research the actual cost to build the property. He believes that the actual cost is not important to the market value. He believes the \$107 million cost that is posted on the Petitioner's website was for publicity purposes and may include costs other than the realty.

22. Under cross-examination, Mr. Letman testified that he did not prepare a market approach. He represented the Southwest Plaza property in a tax appeal, and he knows that business value and other factors were included in the sale price; he admitted that he did not present the amount of Business Enterprise Value (BEV) in the sale to the Denver Assessor. The 1600 California sale is only 24,419 square feet as compared to the subject's 630,000 square feet; he considers this to be too large a size differential to be comparable to the subject. The Yosemite Street sale was included in the Board of Equalization (BOE) appraisal and he admitted that it is not included in the appraisal presented today by the BOE.

23. Mr. Letman's rent rate was an average of the actual income, which varies from the actual mathematical average.

24. Mr. Letman testified that 564 parking spaces were leased on a monthly basis at a rate of \$170 per month, as of the inspection date. The remaining spaces are rented at a rate of \$2.00 per hour for the first two hours; he does not know what the rate is for longer times. He does not know what is covered by the parking revenue in the letter in Exhibit A-1; it is net to the Pavilion. Tenant improvement expenses (TI) listed on page 42 of Exhibit A is the total spent for TI for 1999 and 2000. There has been a 12% turnover in tenants; about 40,000 square feet of space. He expects TI to be an ongoing expense; ongoing TI can be amortized and deducted similar to replacement reserves. He used the assessor's tieback value at 20% for the 25-foot delivery alley, to attribute it to the subject property; the value would have to be deducted from the other parcels. He deducted the air rights also, but admitted that they are listed on a separate schedule. The income approach is based on the actual income of the property, including the air rights and part of the surface lots (the 25-foot alley); therefore, they must be subtracted from the income value as an economic unit.

25. In redirect, Mr. Letman testified that he showed a comparison of other downtown centers income, vacancy, and expenses as compared to the subject property, on page 45 of Exhibit A. The assessor has not included CAM reimbursements in his other income for the other properties as listed on page 45. Unfinished space is also vacant space. The total income divided by the actual net rentable square footage of 345,587 results in a square foot rent of \$21.24, which already includes vacancy allowance.

26. Upon questioning from the Board, Mr. Letman testified that he is not sure whether a collection loss is accounted for in the income approach. The assessor's actual income calculations as shown on page 3 of Exhibit A-1 should be reflective of any collection losses. He has not included a collection loss in his vacancy calculation. Regarding security, the outside doors must remain unlocked, which contributes to the additional expenses due to vandalism as compared to indoor malls. He considers regional malls to be superior to the subject, and they are only around for 30-35 years; he thinks they will last longer than the subject. There is nothing unique about the subject property, except that it is located downtown.

27. Mr. Letman's value is now corrected to be \$53,871,000.00 before deductions and \$50,559,000.00 after deductions.

28. Petitioner's Exhibit A-1 was admitted and sealed as a confidential exhibit.

29. Petitioner is requesting a 2001 actual value of \$50,559,000.00 for the subject property.

30. Respondent's witness, Mr. David L. Norman, a Certified General appraiser with the Denver County Assessor's Office, presented the following indicators of value:

Market:	\$62,510,700.00
Cost:	\$70,765,600.00
Income:	\$62,033,200.00

31. Mr. Norman testified that the subject is a mixed-use commercial property zoned OD2 and the value date is as of June 30, 2000. The assessment date is January 1, 2001 and the value considers the condition of the improvements as of that date. There are four buildings of A-grade quality that were built in 1997 and opened on November 5, 1998. The effective year is 1997. The first two full years of operation were 1999 and 2000. There are two levels of basement parking and three and four levels of retail. This is a one-of-a-kind entertainment complex.

32. Mr. Norman testified that there are two primary schedule numbers, which are valued as a single unit, and there are numerous other schedules known as tiebacks; see page 6 of Exhibit 1 for a complete listing. The two parking lots are owned by others, however, they are overlapped by the subject property; there are air rights, and sub-surface rights. The economic unit includes 797 parking spaces. The units are joined by escalators and walkways. The overall net rentable area, according to building plans, is 350,593 square feet of total space, including occupied, rented, or unfinished spaces. There are many aerial walkways, escalators, stairways, and elevators at the subject property.

33. Mr. Norman testified that the surface parking is listed under separate ownership and is not a part of the subject property.

34. Respondent's witness used a state-approved cost estimating service to derive a market-adjusted cost value for the subject property of \$70,765,600.00.

35. Mr. Norman testified that the subject property is a quality "A" building. He requested actual construction costs from the owner, which were not supplied. The subject property's Internet site posts a construction cost of \$107 million.

36. He used four comparable sales to establish his land value. The land comparables ranged from \$86.79 to \$123.03 per square foot. The sales were adjusted for differences in size, zoning, and location. Sales 1 and 2 are the subject properties. After adjustments, the land sales ranged from \$104.15 to \$123.03 per square foot. The subject property is valued at \$111.36 per square foot, for a total land value of \$16,292,600.00.

37. Mr. Norman testified that the subject improvements were valued using Marshall & Swift cost service. He used an original year built of 1997, which computes to a four year effective life. The total improvement value is \$54,473,000.00 for total property value for both schedules of \$70,765,600.00.

38. Based on the market approach, Respondent's witness presented an indicated value of \$62,510,700.00 for the subject property.

39. Respondent's witness presented six comparable sales ranging in sales price from \$130.02.00 to \$237.96 and in size from 24,429 to 630,000 square feet. After adjustments were made, the sales ranged from \$174.94 to \$179.37 per square foot.

40. Mr. Norman testified that he searched for sales of high-profile properties with high-profile tenants, similar in size to the subject, and located in downtown Denver. Comparables 1 and 2 are located in the Central Business District. He also looked at a sale of a cinema. The sales have a mix of office, retail, parking, etc. His sales are from the full five-year data-gathering period.

41. Sale 1 is a mixed-use property and sold at \$142.64 per square foot. It is know as Writer's Square. It is mostly office space; the retail space is smaller than the subject. The sale was adjusted for age, quality and tenant mix, with an overall adjustment of a positive 25%. The overall quality is inferior to the subject.

42. Sale 2 is known as the California Mall. It is much smaller than the subject but is similar in components. It is inferior in quality, tenant mix, and parking. Overall, it is inferior to the subject.

43. Sale 3 is known as Boulevard Shopping Center and is located on Colorado Boulevard, the highest traffic arterial road in the metro area. It is anchored by a Safeway store and sold in June of 1996 for \$13,000,000.00. It is older than the subject and the anchor was not included in the sale; only in-line retail, which enhanced the value. The sale was adjusted for location, age, size, quality, tenant mix, and parking.

44. Sale 4 is the Southwest Plaza Shopping Center located in Jefferson County. It sold for \$113 million. He confirmed the sale with the Jefferson County assessor's office and considered the sale to be market. Any business value (BEV) included in the sale was never disclosed according to Comps, Inc. and the Jefferson County Assessor. He thinks that BEV relates to the anchor stores, which were not included in the sale. His position is that the sales price is indicative of the real estate that sold. The overall adjustment is zero; it was adjusted for location, age, size, tenant mix and parking.

45. Sale 5 is known as the Park Meadows Marketplace. There are four buildings excluding the Costco anchor store. It was built in 1996 and sold for \$36,500,000.00. It was adjusted for size, quality, and parking. It is what is known as a "power center", and includes "big box" properties.

46. Sale 6 is a free-standing theatre, the AMC 24 Cineplex, located in the Highlands Ranch area. It was built in 1998 and sold for \$26,000,000.00. It was adjusted for location,

quality (B grade), parking, and other; it is free-standing and has an enhanced visibility from C-470.

47. Mr. Norman testified that he field inspected the sale properties and he believes they are comparable to the subject property, after adjustments.

48. Respondent's witness used the income approach to derive a value of \$62,033,200.00 for the subject property.

49. Mr. Norman testified that he considered all three approaches to value and correlated to the income approach, placing most emphasis on the subject property's actual income. He calculated two separate income approaches, which are summed for the total value. He estimated a potential gross income using market rents and market vacancy rates. From the effective gross income, he deducted expenses, excluding capital expenditures and business expenses. He capitalized the net operating income by an overall rate of 11.5%. He did not include tenant improvement expenses (TI) or leasing fees as operating expenses.

50. Mr. Norman testified that his gross income included parking revenue and miscellaneous income (which includes expense recovers). He used a market rate of \$100.00 per space for the parking revenue. He deducted recurring operating expenses, excluding TI, but including reserves of 3%. His total expenses were 25% of effective gross income. The subject property owner did not send him the actual income figures, although it was requested. Therefore, he used information from competing properties to determine market rates. Page 55 of Exhibit 1 is offered to show what rental rates are on the mall. He accepts that the subject property's actual income and expenses are market data; however, his calculations on pages 53 and 54 of Exhibit 1 are not necessary based on actual data.

51. Mr. Norman testified that he requested the actual income of the subject property many times, but did not receive actual income information until this appeal. Page A-8 in Exhibit 1-1 is the subject property actual income and expenses for two years. He emphasized that actual and market rates should not be mixed. He believes the parking income is incomplete. The actual net operating income (NOI) is higher than what he used; using the actual income would result in a higher value. The actual expenses were 33-35% of the effective gross income.

52. Mr. Norman testified that his capitalization rate was derived from other sold properties similar to the subject, dividing the NOI by Sales Price. Additional support is from the Integra Realty Survey and the American Council of Life Insurance report.

53. Mr. Norman testified that he believes the subject properties' TI is part of the new construction; TI in a new building is usually a capital expenditure. Re-tenanting is when they are an expense. According to the Appraisal Institute, initial leasing is usually treated as part of the capital expenses, not treated as ongoing expenses.

54. Mr. Norman testified that the total deduction for tiebacks for each subject parcel is \$538,300.00; he used \$75.00 per square foot for the overlap of the improvements on the interior parcel, which calculated to \$225,000.00. There are varying land values, so a deduction as a percentage of the property value is improper. The property has been listed at various stages

of completion since 1998. He deducted \$1,792,200.00 for the incomplete space; he determined that one of the subject parcels is 91% complete, the second parcel is considered complete.

55. Mr. Norman testified that he believes the life of the building is longer than Petitioner's 20-25 year life; his buildings on page 35 of Exhibit A were B and C class malls, whereas the subject property is a class A mall. Obsolescence is a deduction in the cost approach. The net operating income would account for any depreciation factors in the income approach. Mr. Letman's miscellaneous income includes a CAM reimbursement of \$11.41 per square foot; the only other property with that high a CAM reimbursement is the Cherry Creek Mall.

56. Mr. Norman testified that Petitioner's web site disclosed that the daily parking rates were \$9.00 to \$11.00 per space. 564 parking spaces were leased on a monthly basis. He believes the parking income should be \$1.5 million.

57. Mr. Norman testified that the buildings listed on page 45 of Exhibit A are substantially older than the subject, and age differentials create higher expenses. The Tabor Center operating expense ratios are higher due to the design and a modified gross lease; there is an interior atrium and it requires higher maintenance.

58. In cross examination, Mr. Norman testified that he used the cost approach as a reference and it represents the upper end of value. There is no functional obsolescence in the cost approach. His cost approach has not been reduced for the tiebacks; the cost is for the two parcels.

59. Mr. Norman testified that he believes the subject property is anchored by the United Artists theatre. The sub-market of subject is the Central Business District. He admitted he used some out-of-county sales, which are outside the subject property sub-market. He relied on other assessors' data regarding the sale properties' confirmation. He did not adjust Sale 1 for only first floor retail or for its smaller retail size. The subject has high profile tenants who have records of success in other parts of the country. Sale 2 does not appear comparable on the surface, but it is the retail component of a larger development. His location adjustment was due to its location in the center of the mall; he thinks it is a better location than the subject, which is located at the east end of the mall. It is a class B property compared to the subject property class A. The second floor is a food court. Sale 3 is anchored by a grocery store, but it is has an inferior location. He did not make an adjustment for surface parking versus underground parking, only for adequate parking. A portion of the second floor is retail. Sale 4 is anchored by several stores but they were not included in the sale. Sale 5 is a "power center" but has a higher per square foot sales price, even though "big box" centers are usually a lesser price per square foot. Sale 6 is a cinema sale and was included because he had concerns regarding the value, since the subject includes an 80,000 square foot theatre.

60. He believes the subject property is similar to a regional mall due to its size, it is anchored by an 80,000 square foot theatre; the design is different due to the downtown location. He did not adjust for paid versus free parking; it may or may not be a value factor. His comparables largest adjustment was 35%. He did not adjust for tiebacks and unfinished space in his market approach.

61. He did not make an adjustment to the square footage of the plans versus the rent rolls. He used 350,593 square feet of net rentable area. He used a 10% vacancy, which is less than the subject's actual vacancy. His rent comp 2 on page 55 of his report is located on the mall, rent comp 3 is not. The big difference in rents, even though age is different, is due to location. The 25% expense ratio is calculated using other similar properties; he does not have a breakdown of the individual expenses. They do not include TI and leasing commissions but do include reserves for replacements at 3% of EGI. Mr. Norman testified that typically, they take the operating expenses and add 3% for reserves. He thinks that the parking income is allocated, not gross income

62. Respondent's Exhibit 1-1 was admitted and sealed as a confidential exhibit.

63. Respondent assigned an actual value of \$62,033,200.00 to the subject property for tax year 2001, allocated as follows:

<u>Schedule Number:</u>	<u>Actual Value:</u>
02346-14-034-000	\$26,267,900.00
02345-15-030-000	\$35,765,300.00

64. In rebuttal, Mr. Letman testified that replacement reserves are considered capital expenditures, so TI expenses and commissions should also be deducted, as a buyer would consider these expenses. The subject property has already had a 12% tenant turnover; some spaces have turned over twice. He believes the capitalization rate used by the assessor should be higher. Mr. Letman's capitalization rate is 9.5%. He clarified that the tenant improvements and commissions were paid over both 1999 and 2000.

## **CONCLUSIONS:**

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. Regarding the sales comparison approach, the Board carefully reviewed all of the comparable sales documentation and witness testimony. Petitioner did not present any market sales. However, the Board agrees with Petitioner's witness that the majority of Respondent's sales do not appear to be similar to the subject. Comparable sale 6 consists of only one component, a movie theatre, as compared to the subject. Sales 3, 4, and 5 are located outside the subject neighborhood. Sale 2 is significantly smaller than the subject. Sale 1 appeared to be most comparable to the subject, but the Board is reluctant to place much weight on only one sale. For all these reasons, the Board placed the least weight on the sales comparison approach.

3. Petitioner's witness did not present a cost approach, testifying that the approach is not a major consideration of potential purchasers. However, the Board finds that the approach is applicable to the subject property, as it is of recent construction. There was no dispute as to the land value established by Respondent's witness. Petitioner argued that there should be additional depreciation applied to Respondent's improvement cost calculation. The Board was not convinced that there was any functional obsolescence at the subject property. Neither was the Board convinced that Petitioner's suggested age/life calculation should be used. The Board was

convinced that Respondent's cost calculation using CLT and Marshall & Swift cost manual guidelines was appropriate and accurate, and notes the value conclusion is higher than the assigned value.

4. The Board also carefully reviewed both parties' income approaches. Each party was successful in pointing out deficiencies in the opposing witness's report. The Board was inundated with income and expense data differences in each report. Rather than addressing all of the differences in each approach, the Board chose to focus on Petitioner's income approach.

5. This Board has typically denied deductions of tenant finish (TI) and start-up leasing commissions. We consider TI expenses to be capital expenses and not operating expenses. We consider these expenses to be different than replacement reserves, which are capital expenses for the replacement of portions of the building necessary for building upkeep. The Board does occasionally allow tenant finish deductions for subsequent replacement tenants. Testimony indicated that there had been a 12% tenant turnover, but the Board was presented insufficient evidence to determine what portion of the total tenant finish expense reported was expended for the turned-over space. Therefore, the Board is disallowing any deduction of TI and leasing commissions in this case.

6. The Board was also convinced that the deduction for the overlap of the delivery alley was properly computed by the Respondent. There was no dispute of the deduction made for the incomplete portion of the subject property.

7. The Board recalculated Petitioner's income approach, disallowing the TI expenses and adjusting the overlap value for the alley. The corrected value via Petitioner's income approach resulted in a higher value than that assigned by the Respondent.

8. After careful consideration of all the evidence and testimony, the Board concluded that the subject property was correctly valued and affirms Respondent's assigned value of \$62,033,200.00.

## **ORDER:**

The petition is denied.

## **APPEAL:**

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 23 day of August, 2002.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach  
Debra A. Baumbach

Karen E. Hart  
Karen E. Hart

This decision was put on the record

AUG 22 2002

I hereby certify that this is a true  
and correct copy of the decision of  
the Board of Assessment Appeals.

Penny S. Bunnell  
Penny S. Bunnell

