

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ACQUEST CORPORATION,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Clay Wade Address: 445 Union Boulevard, Suite 104 Lakewood, Colorado 80228 Phone Number: (303) 989-9823 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39842</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 29, 2002, Karen E. Hart and Debra A. Baumbach presiding. Petitioner was represented by Clay Wade, Secretary for Acquest Corporation. Respondent was represented by Martin E. McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**KEY 10 SEC 29 TWN 3 RNG 69
(Jefferson County Schedule No. 030654)**

Petitioner is protesting the 2001 actual value of the subject property, 4.208 acres of vacant land located at the southeast corner of 28th Avenue and Alkire Street. The parcel is zoned A-1 and located adjacent to Interstate 70.

ISSUES:

Petitioner:

Petitioner contends that the subject parcel has been overvalued. The Respondent has not considered all of the adverse factors affecting the subject property. There are excessive costs involved in the development of the site.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach.

FINDINGS OF FACT:

1. Mr. Clay Wade, Secretary for Acquest Corporation presented the appeal.
2. Based on the market approach, Petitioner presented an indicated value of \$45,000.00 for the subject property.
3. Petitioner presented four comparable sales ranging in sales price from \$100,000.00 to \$475,000.00 and in size from 1.345 acres to 7.107 acres. After adjustments were made, the sales ranged from \$10,347.00 to \$122,860.00.
4. Mr. Wade testified that adjustments were made to the comparable sales for time trend and differences in characteristics. The adjustment made for the impact of the traffic was 40%.
5. Mr. Wade testified that the subject property was not a developable site during the base period. There is a water main adjacent to the subject; however, there is no sewer line available. During the base period, the subject property was not included within a sewer district and not eligible for service. There were no other services available to the property. As of January 2002, the subject was admitted to a sanitation district.
6. Mr. Wade testified that Acquest Corporation filed and applied with the Planning and Zoning Department of Jefferson County to rezone the subject from the Agricultural-Two Zone District to the Residential-One Zone District.
7. Mr. Wade testified that the subject property is a small site with obsolete zoning. The subject is located next to the I-70 freeway and adjacent to an abandoned site. There is a high degree of traffic noise from I-70. The infrastructure of the subject is more similar to raw land than a finished home site. There is no curb or gutter along 1,000 feet of the street frontage. All dry utilities would need to be extended from various locations to service the site. A sound wall would have to be constructed for the noise level, and the site would need a water tap and extended sewer lines.

8. Mr. Wade testified that the costs incurred for the site improvements necessary to produce a buildable site are prohibitive. The rule of thumb is that a finished building lot represents 20% of the value of the total improved property.

9. Under cross-examination, Mr. Wade testified that the adjustment calculations made to the sales were derived from experience in the development of subdivisions. The subject was in bankruptcy and was acquired to protect the investment; however, there are excessive costs involved for the development of the site.

10. Petitioner is requesting a 2001 actual value of \$45,000.00 for the subject property.

11. Respondent's witness, Mr. Charles Ewing, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$319,300.00 for the subject property, based on the market approach.

12. Respondent's witness presented four comparable sales ranging in sales price from \$70,000.00 to \$750,000.00 and in size from 0.328 acres to 7.107 acres. After adjustments were made, the sales ranged from \$149,130.00 to \$768,000.00.

13. Mr. Ewing testified that the subject is a vacant parcel consisting of 4.208 acres. The parcel is bordered on the west by residential, on the north by a church and residential, on the east by Interstate 70, and on the south by a vacant commercial building. The property is zoned A-1 (agricultural with one residence) and there is a sound barrier along I-70, except along the subject property and the commercial property adjacent to the south.

14. Mr. Ewing testified that the comparable sales selected were all vacant land at the time of sale. Time adjustments were calculated on a rate of 1.25 percent per month derived from a sales ratio trend analysis within the county. All of the sales were adjusted for differences in characteristics. Sale 1 is the subject property and sold February 25, 1998. Sale 2 shares similar location to the subject and experiences a high volume of traffic noise. An additional adjustment was made for the location in a flood plain.

15. Mr. Ewing testified that he is very familiar with appraising vacant land within the county, and it is common for the sites not to have sewer, water and other utilities. If utilities and other amenities were available to the sites, then it would reflect a much higher value.

16. Under cross-examination, Mr. Ewing testified that zoning is not a big factor on the value or the overall marketability. Usually vacant land sites in the area have no utilities, and the comparable sales share similar zoning. The subject was valued as vacant land, not residential land, indicating a higher value range. The assigned value of the subject does take into consideration any factors affecting the value. The subject's selling price indicated a much higher value than the assigned value.

17. Respondent assigned an actual value of \$164,130.00 to the subject property for tax year 2001.

CONCLUSIONS:

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

2. The Board has carefully considered all admitted evidence and testimony, and has affirmed the Respondent's value. Respondent presented four comparable sales, the first sale being the subject property, all supporting the assigned value conclusion. The adjustments made to the sales for any differences in characteristics are reasonable. One of the comparable sales used share a similar location issue.

3. The Board could give little weight to the adjustments made by the Petitioner on the comparable sales. The Petitioner testified that the adjustment calculations were derived from experiences in the development of subdivisions. The adjustment calculations made to the sales for differences in characteristics are aggressive, and there was no data provided to the Board for consideration to support these adjustment figures.

4. The Board recognizes that the Petitioner is an experienced and informed developer, and agrees there would be additional costs involved in the development of the site. However, the Board believes that any unreasonable costs incurred for development would be negotiated in the purchase price.

5. The Respondent's assigned value takes into consideration all of the factors affecting the overall valuation. The assigned value is well documented, supported and affirmed.

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 ____ day of May, 2002.

BOARD OF ASSESSMENT APPEALS

Karen E. Hart

Karen E. Hart

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

MAY 13 2002

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

Diane Von Dollen

Diane Von Dollen

