

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>WILLIAM J. THULIN,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: William J. Thulin Address: 962 West McArthur Drive Littleton, Colorado 80124 Phone Number: (303) 790-4128</p>	<p>Docket Number: 40225</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 12, 2003, Rebecca Hawkins and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Kelly Dunaway, Assistant Douglas County Attorney.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Most of lot 25 & part of Lot 24, McArthur Ranch #2 5.0 Acres M/L also known as (Douglas County Schedule No. R0383027)

Petitioner is protesting the 2002 actual value of the subject property, a frame ranch home built in 1978 on five acres. It has 1951 square feet of finished living area and 1951 unfinished square feet in the walk out basement.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued due to a utility easement and power lines that cross his property.

Respondent:

Respondent contends that the subject property has been correctly valued based on comparable market data.

FINDINGS OF FACT:

1. Mr. Thulin, Petitioner, presented the appeal on his own behalf. Based on testimony, Petitioner presented an indicated range in value from \$320,000.00 to \$340,000.00 for the subject property.
2. Petitioner did not present comparable sales.
3. Petitioner testified the sixty-foot easement for the power line takes up approximately one fourth of the property, rendering this portion unusable.
4. Petitioner testified when the temperature drops below 32 degrees it causes the power lines to hum loudly, altering his peace and quiet.
5. Petitioner testified the Respondent used comparables that were not similar to the subject property.
6. Mr. Thulin testified that Sale 1 is .8 mile from the subject with no power line influence, Sale 2 is .75 miles from the subject with no power line influence, Sale 3 is adjacent to power lines but they do not cross the property. Sale 3 does have a power line easement; however, it includes part of the county road fronting the property and therefore is not as severely impacted as the subject property. Sale 3 is smaller in square footage
7. The Board questioned Mr. Thulin about the status of the power lines at the time he purchased the property. He testified there were four small lines when he bought the property. He stated the price he paid reflected the easement and power lines at that time.
8. Mr. Thulin testified an adjustment of \$40,000.00 should be subtracted off the land value to compensate for the easement and power lines.

9. Petitioner is requesting a 2002 actual value of \$320,000.00 to \$340,000.00 for the subject property.

10. Respondent's witness, Mr. Jerry D. McLeland, a registered appraiser with the Douglas County Assessor's Office, presented an indicated value of \$373,000.00 for the subject property, based on the market approach.

11. Respondent's witness, Mr. McLeland, presented three comparable sales ranging in sales price from \$315,000.00 to \$475,000.00 and in size from 1286 to 2436 square feet. After adjustments were made, the sales ranged from \$365,915.00 to \$438,104.00.

12. Mr. McLeland testified the comparables bracketed the subject property and he attempted to find sales with the same influence as the subject. Only one sale with power line influence was available during the appropriate time frame.

13. Regarding the comparable sales used Mr. McLeland testified to the following. Comparable Sale 1 is a ranch style home on five acres with power line influence. It is 2,436 square feet with a 2,411 square foot walk out basement, 48% finished. This home is newer in year of construction. Comparable Sale 2 is a ranch style home also on five acres without power line influence. It is similar in year of construction and square footage. The basement is smaller with no finish. Comparable Sale 3 is a ranch style home on five acres with no power line influence. It is similar in year of construction and smaller in square footage. It has a smaller unfinished basement.

14. Mr. McLeland testified the easement is a condition that has affected the subject property for quite some time.

15. Mr. McLeland testified to adjusting the land value of the subject property 10% for the negative influence of the easement and power lines.

16. Mr. McLeland testified upon inspection of the subject property he discovered a walkout basement and a barn with a loft. The prior value did not include a walkout basement or barn. It was lower than it would be if these features were included.

17. Mr. McLeland testified that the decrease in value from \$431,000.00 to \$373,000.00 reflects the easement but does not include any added value due to the walk out basement and barn.

18. Respondent assigned an actual value of \$393,000.00 to the subject property for tax year 2002.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2002.

2. The Board has carefully considered all the evidence and testimony submitted by the Petitioner and affirms the Respondent's value conclusion. The Board could give little weight to the Petitioner's argument that an additional adjustment of \$40,000.00 be applied to the subject's land value. Mr. Thulin did not present the Board with any comparable sales for consideration to support that additional adjustment figure. There was no additional support or any professional opinion to determine if any further adjustment was warranted for the location of the power lines. In determining a reasonable adjustment comparable sales are required to form an opinion of value and extract a supportable adjustment.

3. The Board believes the Respondent's comparable sales were appropriately adjusted for the differences in all the physical characteristics and the negative influence of the easement and power lines. The Respondent's assigned value does take into consideration all the factors affecting the overall value.

4. After careful consideration of all the evidence and testimony presented, the Board affirms Respondent's value conclusion. Respondent assigned an actual value of \$373,000.00 to the subject property for tax year 2002.

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 29th day of January, 2003.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Rebecca Hawkins

Rebecca A. Hawkins

This decision was put on the record

JAN 27 2003

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

Penny S. Lowenthal
Penny S. Lowenthal

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