

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p><b>MARY A. AND MARK J. HETZEL,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>PARK COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket Number: 43822</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on September 14, 2005, Steffen Brown and MaryKay Kelley presiding. Mark J. Hetzel appeared pro se on behalf of Petitioners. Respondent was represented by Stephen Groome, Esq. Petitioners are protesting the 2004 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

252 Park County Road 98 (High Chaparral Ranger Station Addition Lot 17)  
Park County Schedule No. R0025635

The subject property consists of 36.51 acres of vacant land and a single outbuilding.

**FINDINGS OF FACT:**

1. The actual value of the outbuilding, which is assigned at \$15,946.00, was not contested.
2. Petitioner is requesting a reduction in land value to \$26,645.00, for a total actual value of \$42,591.00 for the subject property.
3. The subject property is located in Economic Area 8, which Petitioner contends is equal to Economic Area 5. Respondent contends that properties in Area 8 command higher sales

prices due to the proximity of Eleven Mile Reservoir and Lake George, as well as the employment opportunities that exist in nearby Guffey, Cripple Creek, Woodland Park and Colorado Springs. The sole economic influence for Area 5 is Hartsell, which is 22 miles away. The Board agrees with Respondent.

4. Petitioner presented eight vacant land sales that occurred within the 18-month base period ending June 30, 2002. The Board determined that seven of the sales are not comparable to the subject because they are located in Economic Area 5. The eighth sale (Union Lot 3) is located in Economic Area 8 but was not given any weight (reference Finding of Fact 8 regarding Respondent's Comparable Sale 3).

5. Petitioner contends that the subject's streambed is dry and therefore has no market value. Respondent contends that the stream has seasonal flow and positively affects value. As the value assigned to the subject property is well below the range of values indicated by Respondent's comparable sales, the Board does not find it necessary to address this issue.

6. Respondent presented the following indicated value for the subject property based on the market approach.

\$ 47,350.00	Site
<u>\$ 15,946.00</u>	Outbuilding
\$ 63,296.00	Total

7. Respondent presented nine vacant land sales ranging in price from \$20,500.00 to \$170,000.00 and in size from 35.1 acres to 89.56 acres.

8. The Board gave no consideration to Respondent's Sale 3 because the sales price was substantially lower than any of the other comparables presented and because there was no explanation for the \$49,650.00 location adjustment. Sales 4, 5, and 6, were eliminated because they are located in Economic Area 5. The adjusted values of the remaining comparables range from \$54,150.00 to \$118,770.00. The land value assigned to the subject property is below the range of indicated values.

**CONCLUSIONS:**

1. Respondent presented sufficient evidence and testimony to prove that the subject property was correctly valued for tax year 2004.

**ORDER:**

The petition is denied.

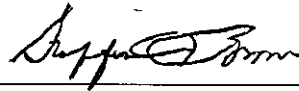
**APPEAL:**

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

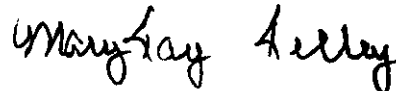
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

**DATED and MAILED** this 4<sup>th</sup> day of October 2005.

**BOARD OF ASSESSMENT APPEALS**



Steffen A. Brown

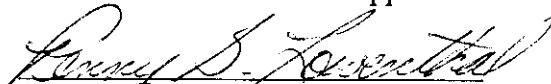


MaryKay Kelley

This decision was put on the record

OCT - 3 2005

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

  
Penny S. Lowenthal