

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 44823

Petitioner:

STEVE F. CLAPP,

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on August 1, 2006, Steffen A. Brown and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Michelle Gombas, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 132 Happy Canyon 3 (5791 Mesa Drive), Castle Rock, Colorado
Douglas County Schedule No. 0057285**

The subject property consists of 2.41 acres of vacant land located at the north end of the Happy Canyon subdivision near the intersection of Mesa Drive and Lariat Drive.

FINDINGS OF FACT:

1. Petitioner presented two comparable sales located in the subject subdivision:

<u>Lot</u>	<u>Size</u>	<u>Sale Date</u>	<u>Price per Square Foot</u>
166	2.2 acres	May 2004	\$1.87
142	2.68 acres	January 2004	\$1.54
		Average	\$1.71

2. Petitioner applied a 10% adjustment to the average price per square foot to reflect the influence of traffic. The subject is impacted by noise from I-25, whereas both comparable sites are located further from the highway and are not influenced by the same noise. In addition, the subject is located near the intersection of Lariat and Mesa Drives, which has a higher volume of traffic in comparison to the non-intersection location of the comparable sales on Mesa Drive.

3. Petitioner applied a 10% adjustment to the average price per square foot to reflect differences in views and terrain. The subject is located on the north end of the subdivision, which is lower in elevation. Both comparable sales are located further south on the ridgeline of the plateau with superior views, sloping terrain allowing walk-out basements, rock outcroppings, more trees, and dense undergrowth.

4. Petitioner is requesting a 2005 actual value of \$121,000.00 for the subject property based on an average sales price of the two comparables (\$1.71 per square foot) less 20% (\$0.34) or \$1.36 per square foot.

5. Respondent presented an indicated value of \$181,000.00 for the subject property based on the market approach.

6. Respondent presented three comparable sales ranging in sales price from \$168,000.00 to \$179,900.00. After adjustments for time, the sales ranged from \$180,782.00 to \$187,824.00. Respondent's Sales 1 and 2 are the same as Petitioner's comparable sales.

7. Respondent asserts that all properties in the subject subdivision are affected equally by noise from I-25. Maps of the area show similar proximity to the highway, and it is generally acknowledged that sites in all subdivisions along I-25 are equally impacted by highway noise.

8. Respondent indicated that although elevation, terrain, and views add value, those attributes are offset by higher construction costs for sloping terrain, longer driveways and tree removal.

9. Respondent assigned an actual value of \$175,000.00 to the subject property for tax year 2005.

10. The argument that I-25 traffic noise affects all sites equally was persuasive. In addition, the impact of traffic volume at the subject's Lariat/Mesa intersection is offset by easier accessibility. Therefore, Petitioner's 10% adjustment for traffic is rejected.

11. Petitioner's 10% adjustment for elevation, view, sloping terrain, rock outcroppings, trees and undergrowth is accepted, as those attributes typically carry premiums in the marketplace.

12. Averaging sales prices of comparable properties is not considered appropriate appraisal technique. As such, the \$181,000.00 value indicated by Respondent's market approach was adjusted by 10% to arrive at an indicated value of \$163,000.00.

CONCLUSIONS OF LAW:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2005.

2. The Board concluded that the 2005 actual value of the subject property should be reduced to \$163,000.00.

ORDER:

Respondent is ordered to reduce the 2005 actual value of the subject property to \$163,000.00.

The Douglas County Assessor is directed to change his/her records accordingly.

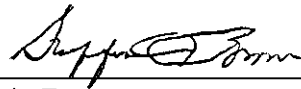
APPEAL:

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

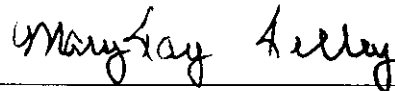
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 9th day of August 2006.

BOARD OF ASSESSMENT APPEALS



Steffen A. Brown

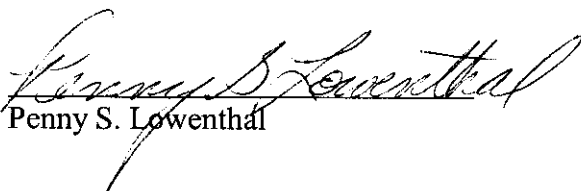
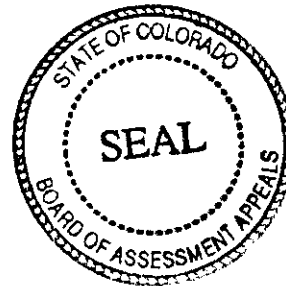


MaryKay Kelley

This decision was put on the record

AUG 08 2006

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


Penny S. Lowenthal