

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>WRIGHT TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45439</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 10, 2006, Karen E. Hart and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Stephen Groome, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>
90217	Golden Era (50% interest)
90458	Silverstar (100% interest)
90541	American Eagle (50% interest)
90605	Red Lion Lode (100% interest)
90606	Sir Charles (100% interest)
90856	Lillie Langtree (100% interest)
90882	Jo Dandy (100% interest)
91000	Novia Scotia (100% interest)
91401	Crises Mine (75% interest)
91484	Collingswood Mine (75% interest)
91865	Glengary (100% interest)
91646	Emma (50% interest)
91647	Vanderbilt (50% interest)

The subject properties are unimproved patented mining claims located in steep terrain near the city of Alma. The subject properties are classified as mineral.

FINDINGS OF FACT:

1. The parties stipulated to the following:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>2005 Actual Value</u>
90073	Anderson*	\$85,737.00
90088	Anthill*	818.00
90217	Golden Era	\$491.00
90343	Wonderful*	2,273.00
90390	Ophir*	873.00
90431	Venus*	628.00
90458	Silverstar	981.00
90499	Jerome B. Chaffee*	875.00
90516	Sunny South*	914.00
90543	Comstock*	981.00
90544	Grimsby*	684.00
90605	Red Lion Lode	662.00
90606	Sir Charles	485.00
90721	Emma Nevada*	690.00
90731	Little Champion*	359.00
90728	Little Champion*	120.00
90744	Grand Prize*	981.00
90856	Lillie Langtree	981.00
91000	Novia Scotia	215.00
91392	St. Johns*	981.00
91395	Waterfall*	11,352.00
91426	Glen Isle*	1,289.00
91523	Clipper*	615.00
91539	Clipper*	563.00
91581	Dinero*	980.00
91582	Oil City*	978.00
91586	Dewey Mine*	332.00
91609	Reconstruction*	361.00
91643	Pocohontas*	491.00
91646	Emma	491.00
91647	Vanderbilt	350.00
91863	Lehigh Valley Placer*	12,350.00
91901	Frisbee Placer*	11,400.00

* Not part of this appeal.

2. There were numerous clerical errors contained in Respondent's documentation. The

decision of the Park County Board of Equalization refers to Schedule No. 90852. Respondent's Exhibit 1 identifies the Joe Dandy by Schedule Nos. 90082, 90882 and 9088. We believe that these schedules numbers are all referencing the same property. The decision of the Park County Board of Equalization refers to Schedule No. 91586. Respondent's Exhibit 1 identifies the Glengary by Schedule No. 91865. We believe that these schedule numbers are referencing the same property.

3. The Board determined that the value of the following properties remains at issue:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>Size</u>
90541	American Eagle	10.26 acres
90882	Jo Dandy	7.06 acres
91401	Crises Mine	128.74 acres
91484	Collingswood Mine	10.22 acres
91865	Glengary Placer	29.003 acres

4. Evidence and testimony from Docket No. 45441 was incorporated into this hearing on Docket No. 45439.

5. All of the properties have steep terrain and difficult access. Petitioner contends that the elevation of all of the properties exceeds 11,500 feet. Respondent contends that the elevation of all of the properties is below 11,500 feet.

6. The properties have not been mined since the 1940's, although production is expected to resume when warranted by the prices of the minerals produced. Petitioner contends that it is imperative for properties saturated with minerals to be preserved and that assessments should remain consistent with prior years, as production will be taxed when it resumes.

7. Petitioner indicated that sales of mining properties typically occur without advertising or intervention of real estate agents. Petitioner presented evidence of sales that occurred in August 2000 and November 2000 with prices ranging from \$42.56 per acre to \$93.28 per acre.

8. Petitioner is requesting an actual value of \$90.00 to \$95.00 per acre for each of the properties.

9. Respondent reported that Park County is one of the fastest growing areas in Colorado due to its proximity to Breckenridge and access from Highways 285 and 9. Residential demand has increased, and property values have increased from 10% to 15% per year. Land use for some mining properties is changing to recreational and residential.

10. There are 1,769 mining properties located in Park County, 19 of which sold during the extended five-year base period. Two of the 19 sales were purchased for residential use. Re-zoning or securing a Conditional Use Permit is required for residential construction on properties with patented mining claims. Park County will not issue building permits for sites above 11,500 feet in elevation, as they are considered too steep for development.

11. The median sales price of the 19 sales is \$1,940.00 per acre, which Respondent refers to as “base value.” The “base value” of the subject properties was reduced to reflect steep terrain and difficult access, resulting in a recommended value of \$220.00 per acre.

12. Respondent presented three comparable sales for the American Eagle, Collingswood, and Glengary Mines that sold within the extended base period. After adjustments for size and access, adjusted values ranged from \$1,923.00 per acre to \$4,101.00 per acre for the American Eagle Mine, from \$1,915.00 per acre to \$4,094.00 per acre for the Collingswood Mine, and from \$4,472.00 per acre to \$7,831.00 per acre for the Glengary Mine. Respondent presented two comparables for the Crises Placer that sold within the extended base period. After adjustments for size, access, and power lines, adjusted values ranged from \$2,061.00 per acre to \$2,998.00 per acre. No comparable sales were presented for the Jo Dandy.

13. Respondent assigned the following actual values for tax year 2005:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>2005 Actual Value</u>
90541	American Eagle – 50%	\$9,952.00
91484	Collingswood – 75%	14,870.00
91401	Crises Placer – 75%	97,405.00
91586	Glengary Placer – 100%	56,266.00
90882	Jo Dandy – 100%	1,553.00

14. Respondent is recommending a reduction in value to \$220.00 per acre to arrive at the following actual values for tax year 2005:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>2005 Actual Value</u>
90541	American Eagle – 50%	\$1,129.00
91484	Collingswood – 75%	1,686.00
91401	Crises Placer – 75%	21,242.00
91586	Glengary Placer – 100%	6,381.00
90882	Jo Dandy – 100%	1,553.00

CONCLUSIONS OF LAW:

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

2. Classification is not at issue in this hearing. The subjects are classified mineral. The market dictates the use of the property. The Board does not have jurisdiction over the preservation of mining claims. The Board does not have jurisdiction over matters involving changes in zoning or the issuance of Conditional Use Permits.

ORDER:

Pursuant to the Stipulations entered into the record at hearing, Respondent is ordered to reduce the value of the properties listed below as follows:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>2005 Actual Value</u>
90217	Golden Era	\$491.00
90605	Red Lion Lode	662.00
90606	Sir Charles	485.00
90856	Lillie Langtree	981.00
91000	Nova Scotia	215.00
91646	Emma	491.00
91647	Vanderbilt	350.00
90458	Silver Star	981.00

Pursuant to the evidence and testimony presented at hearing, Respondent is ordered to reduce the value of the properties listed below to \$220.00 per acre:

<u>Park County Schedule Number</u>	<u>Mining Claim</u>	<u>2005 Actual Value</u>
90541	American Eagle – 50%	\$1,129.00
91484	Collingswood – 75%	1,686.00
91401	Crises Placer – 75%	21,242.00
91865	Glengary Placer – 100%	6,381.00
90882	Jo Dandy – 100%	1,553.00

The Park 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 31st day of October 2006.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

MaryKay Kelley

MaryKay Kelley

This decision was put on the record

OCT 31 2006

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

