

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>CHARLES E. THOMPSON AND MARILYN T. MUELLER</p> <p>v.</p> <p>Respondent:</p> <p>OURAY COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket Nos.: 45450 and 45451</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 13, 2006, Debra A. Baumbach and MaryKay Kelley presiding. Petitioners were represented by John R. Mueller, agent. Respondent was represented by Paul C. Sunderland, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Loghill Crest, Tract 20, Ridgway, Colorado
Ouray County Schedule No. R003147**

**Loghill Crest, Tract 29, Ridgway, Colorado
Ouray County Schedule No. R003148**

Lot 20 is a 36.36 acre unimproved site located immediately north of Lot 29, a 36.74 acre unimproved site in the Loghill Crest subdivision.

FINDINGS OF FACT:

1. Docket Numbers 45450 and 45451 were consolidated for the purpose of this hearing.
2. Respondent moved to dismiss the appeals on the grounds that Petitioners lacked standing to petition the Board of Assessment Appeals (BAA) on August 26, 2005 since the subject property was sold on August 15, 2005. The Motion to Dismiss was denied pursuant to C.R.S. § 39-8-108 and *Tenney v. Board of Assessment Appeals*, 856 P.2d 89 (1993).
3. Petitioner contends that the following issues prohibit development and negatively impact the value of the subject property:
 - Ponderosa Loop Road is closed to traffic beyond the subject property.
 - Approximately four years ago, Petitioner relinquished approximately 12 acres of the subject property to Ouray County for a road that was to be built through the subject sites. To date, that road has only been roughed in and is accessible only by four-wheel-drive vehicles.
 - Utilities have not been installed.

Petitioner did not present convincing testimony or evidence regarding any actual loss in value related to the above issues.

4. Petitioner is requesting tax year 2005 actual values of \$224,040.00 for Lot 20 and \$218,160.00 for Lot 29.

5. Respondent presented four comparable sales ranging in sales price from \$225,000.00 to \$280,000.00 and in size from 36.67 to 38.12 acres. After adjusting for time, the sales prices ranged from \$277,125.00 to \$285,900.00 or \$7,500.00 per acre. All of Respondent's comparable sales are located in the subject subdivision, are accessed from the same road, and have similar views. Respondent concluded to a value of \$7,500.00 per acre for the subject property; thus, based on the market approach the indicated value of Lot 20 was \$254,520.00 and the indicated value of Lot 29 was \$257,180.00.

6. Respondent assigned actual values of \$254,520.00 for Lot 20 and \$257,180.00 for Lot 29 for tax year 2005.

CONCLUSIONS OF LAW:

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.

ORDER:

The petition is denied.

Petitioner is ordered to remit to Ouray County the sum of \$100.00 on or before June 1, 2006 as a sanction for Petitioner's failure to comply with pre-hearing Orders issued by the Board of Assessment Appeals.

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 13th day of May 2006.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

MaryKay Kelley
MaryKay Kelley

This decision was put on the record

MAY 11 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

