

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JAMES H. WILSON AND SARAH A. WILSON</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 50433</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 16, 2009, Louesa Maricle and James R. Meurer presiding. Mr. James Wilson appeared pro se via telephone. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2008 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1057 Meteor Place, Castle Rock, Colorado
Lot 3, Castle Pines Village 15G
(Douglas County Schedule No. R0455056)**

The subject is a single-family residential lot located in the Castle Pines Village subdivision in Douglas County. The lot contains 1.158 acres and slopes downward from back to front. Although the lot abuts the Meteor Place cul-de-sac, the proposed access is through a perpetual easement traveling from Night Sky Court through Lot 2 which is adjacent to the subject to the north.

Petitioners presented an indicated value of \$224,069.00 for the subject property.

Mr. Wilson testified that access to the subject via Meteor Place was not economically feasible due to the topographical features of the lot and argued that Respondent's value of \$324,069.00 did not account for the extraordinary engineering and construction costs associated with accessing the subject lot via the easement. Petitioners further argued that Respondent's comparable

sales were superior to the subject relative to access and should be adjusted downward by \$100,000.00 to account for the cost of curing this deficiency. Mr. Wilson indicated in testimony that he based this cost estimate on his experience in developing other properties within the Castle Pines submarket.

Petitioners are requesting a 2008 actual value of \$224,069.00 for the subject property.

Respondent presented an indicated value of \$525,000.00 for the subject property based solely on the comparables presented in the market approach.

Respondent presented four comparable lot sales ranging in sales price from \$399,000.00 to \$538,000.00 and in size from 0.745 to 1.006 acres. Comparables No. 1 and 2 were located just south of the subject on Meteor Place and Comparables No. 3 and 4 were located just northwest of the subject on Night Sky Court. All of the four sales were in the same filing as the subject and all backed to greenbelts. Respondent placed most weight on Comparables No. 3 and 4 due to their similarity in size, topography, and views. Respondent also noted that Comparable No. 4 had access issues similar to the subject.

Respondent assigned an actual value of \$324,069.00 to the subject property for tax year 2008.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2008.

After careful consideration of the testimony and exhibits presented in the hearing, the Board agrees that Respondent's assigned value accurately reflects the market value for the subject. The Board concludes that no additional negative adjustment is necessary for the costs associated with accessing the subject lot via the easement, given that this condition is currently reflected in Respondent's comparables sales and opinion of value.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S..

DATED and MAILED this 23rd day of December 2009.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



James R. Meurer

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



Heather Flannery

