

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LYNN HUYETT,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51685</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 12, 2010, Karen E. Hart and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Nathan Lucero, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**15000 Pecos Street, Broomfield, Colorado
(Adams County Schedule No. R0014599)**

The subject property is a single family detached residence of average quality built in 1999. There are 2,448 square feet of total living area with no basement, three bedrooms, and three bathrooms located on 3.31 acres.

Petitioner presented the Huyett Residence site plan showing that the residence was required to be built in the upper right of the subject parcel due to the floodway running through the subject property. The residence had to be built up with no basement due to the floodway.

Petitioner is requesting a 2009 actual value of \$450,000.00 for the subject property.

Respondent presented an indicated value of \$495,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$400,000.00 to \$518,500.00 and in size from 2,327 to 2,762 square feet. After adjustments were made for time, square footage, basement and basement finish, bathrooms, bedrooms, condition, garage, land size, outbuildings, and year built, the sales ranged from \$472,116.10 to \$541,591.20.

Respondent's Exhibit C shows the floodway running through the subject property. It also shows the location of two of the comparable sales and any influence of the floodway on those properties. Respondent did not make an adjustment to the comparable sales for the floodway running through the subject property.

Respondent assigned an actual value of \$495,000.00 to the subject property for tax year 2009.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

The Board determines that the subject property is significantly impacted by the floodway that runs through the majority of the property. The comparable sales used by Respondent did not have any floodway influence. The Board believes an adjustment is warranted.

The Board concludes that the 2009 actual value of the subject property should be reduced to \$450,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$450,000.00.

The Adams County Assessor is directed to change his records accordingly.

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 16th day of March 2010.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Diane M DeVries

Diane M. DeVries

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

HA Flannery

Heather Flannery

