

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 52235

Petitioner:

APARTMENT CCG 17 LP,

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on April 8, 2011, Gregg Near and Louesa Maricle presiding. Petitioner was represented by Thomas E. Downey Jr., Esq. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**9959 E. Peakview Avenue, Englewood, Colorado
Arapahoe County Parcel No. 2075-22-4-22-001**

The subject property is a 296-unit apartment property, built in 1978. The improvements include 23 two-story, exterior walk-up apartment buildings and a two-story building that houses the leasing office and indoor community amenities. Site improvements include an outdoor pool, playground, landscaping, concrete sidewalks, asphalt-paved driveways, and open parking areas. The improvements were renovated in 2006 and 2007.

Petitioner is requesting an actual value of \$17,760,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$22,496,000.00 for the subject property.

Petitioner contends that Respondent has not adequately adjusted its comparable sales for the number of apartment units or the age of the improvements relative to the subject. Respondent presented only a small number of comparable sales although other sales were available and included

Petitioner's witness testified that he did not independently verify the sales he presented so was unable to confirm the amount of deferred maintenance that might have been present or confirm details about any atypical conditions of sale that might have affected the sale prices. Relying solely on the CoStar data resulted in a major error in the reported sale price indicators for one of the sales used because CoStar had mistakenly doubled the number of apartment units.

The Board finds that Petitioner's witness did not apply adjustments consistently in his analysis. The witness testified it was appropriate to adjust newer property sales downward for age, but he did not make corresponding upward adjustments to older sale properties, including the sale to which he gave most weight. Petitioner's witness testified that a condition adjustment made to the sale he deemed most comparable to the subject was based on the cost of renovations made to the subject property. However, the Board notes that the actual adjustment made per unit is significantly lower than the witness testified was spent at the subject. The witness also did not make an adjustment to his best comparable for the 30% vacancy at the time it sold. These three adjustments would all have increased the value indication shown by the sale given most weight by the witness.

The Board notes that the witness did not address the renovation at the subject property when making adjustments to most of the sales, though he emphasized the differences in age between some of the comparables and the subject. The witness did not provide an adjustment comparison of the sales for differences in location as it applies to rents, average unit size, amenities included in the rents, or covered parking. Though the analysis might show that no adjustment was warranted for some of these categories, the Board is not confident that they were adequately considered. The Board concludes that the appraisal analysis presented by Petitioner's witness does not result in a more credible estimate of value for the subject property.

One of the sales analyzed by Respondent is of a property built in phases in 1980 and 1995. The Board concludes that this sale provides a less reliable indication of value for the subject because of the difficulty in adequately adjusting for the age difference of the newer phase. If that sale were to be excluded, Respondent's value is still supported by the remaining four sales.

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).

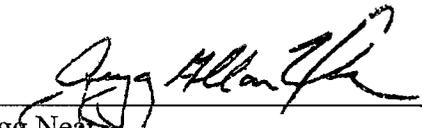
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 29 day of April 2011.

BOARD OF ASSESSMENT APPEALS



Gregg Neal



Louesa Maricle

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



Amy Bruins

