

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RON W. & KATHY OLIVE,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53520</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 29, 2010, MaryKay Kelley and Karen E. Hart presiding. Ron W. Olive appeared pro se on behalf of Petitioners. Respondent was represented by Writer Mott, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**12461 Richmond Court, Conifer, Colorado
Jefferson County Schedule No. 407901**

The subject property consists of a 10.484 acre vacant lot located in the Rancho Mirage subdivision. The property is elongated and irregular in shape, causing it to have seven shared property lines.

Petitioners contend that the multiple shared property lines, transmission power line easements, antennas, satellite dishes, dilapidated fences and sheds on neighboring properties have affected the subject property's value. Respondent contends that the subject property has paved road access, good views at the building site and is properly valued.

Petitioners are requesting an actual value of less than \$200,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$250,960.00 for the subject property for tax year 2009.

Petitioners presented no comparable sales to value the subject property.

Petitioner, Mr. Olive, testified that the property across the road has multiple antennas and satellite dishes. Also, a neighboring property has an older, fair condition home with a homemade shed, a second shed in poor condition and dilapidated fencing. Although the properties are not seen from the potential building sites, Mr. Olive believes they are detrimental to the subject property's value. Two easements run east to west across the entire property for overhead power lines.

Mr. Olive testified that the highest elevation of the subject property is at the west property line. This property line location is challenged by the neighboring owner and affects a possible building site location due to setback requirements. This location has full southern exposure and would have good 120 degree views, but Petitioners were dissuaded from considering it as a building site due to a solid granite area which would require blasting. Nine-tenths of the subject property is heavily treed, and therefore, only a 30 degree view is available from the alternate building site, which is located at a lower elevation than the granite site but is still within the designated building envelope.

Mr. Olive testified that the subject subdivision lots are not valued equitably but presented no market valuation evidence in support of his equalization argument.

Petitioners are requesting a 2009 actual value of less than \$200,000.00 for the subject property.

Respondent presented a value of \$270,000.00 for the subject property based on the market approach.

Respondent's witness, Tammy J. Crowley, a Certified General Appraiser with the Jefferson County Assessor's Office, presented four comparable sales ranging in sale price from \$225,000.00 to \$315,000.00 and in size from 10.01 acres to 10.606 acres. After adjustments were made, the sales ranged from \$258,750.00 to \$285,000.00. All of the comparable sales have superior lot shapes. Ms. Crowley placed equal weight on all four sales. Ms. Crowley has inspected the subject property and there are good views from the building envelope.

Respondent assigned an actual value of \$250,960.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009.

Respondent presented comparable sales to value the subject property. Due to the shape of the subject property, the Board believes the subject property's value should come from the lower end of the range. However, the lowest adjusted sales price of \$258,750.00 is still higher than the assigned value of \$250,960.00.

Petitioners presented no alternate comparable sales for the Board to consider.

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 4 day of February 2011.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Karen E Hart
Karen E. Hart

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

Amy Bruins
Amy Bruins

