

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>SPECTRUM, INC.,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53587</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 24, 2011, James R. Meurer and Gregg Near presiding. Petitioner was represented by Shawn Kordouni, Owner of Spectrum Inc. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**6065 West 48<sup>th</sup> Avenue, Wheat Ridge, Colorado  
Jefferson County Schedule No. 203576**

The subject property consists of a 1,650 square foot Service Station with fuel, auto repair, convenience store and vehicle rental service. The subject is situated on a 39,812 square foot corner site formed by Harlan Street and West 48<sup>th</sup> Avenue. The site also shares a corner with Ingalls Street to the west. Interstate 70 is just north of the subject, and there is an interchange at this location.

Petitioner purchased the property on June 12, 2008, for a recorded price of \$740,000.00. After purchase, the station changed brands from Phillips 66 to Shell.

Petitioner is requesting an actual value of \$590,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$699,600.00 for the subject property for tax year 2009.

Petitioner did not present an appraisal and elected to rebut Respondent's comparables.

Petitioner indicated the purchase in June 2008 included \$60,000.00 in inventory consisting primarily of fuel and store inventory. Petitioner indicated the personal property component of his property had increased from \$76,344.00 to \$95,413.00 for 2010. All value allocated to personal property should be reduced from the assigned value by Jefferson County of \$699,600.00. Petitioner claims the Assessor's figures should be adjusted downward for "goodwill" as well.

Petitioner is requesting an actual value of \$590,000.00 for the subject property for tax year 2009.

Respondent assigned a value of \$699,600.00 for the subject property for tax year 2009.

Respondent presented the following indicators of value:

Cost	\$743,700.00
Market:	\$1,023,000.00
Income:	Not provided

Respondent concluded to a value of \$1,023,000.00 via the market approach. Respondent's witness, Darla K. Jaramillo of the Jefferson County Assessor's Office, presented four comparable vacant land sales ranging in price from \$418,000.00 to \$721,100.00 and in size from 29,757 square feet to 40,915 square feet. Quantitative adjustments were applied for location, access, utility, corner and size. After all adjustments were made, the comparable sales ranged from \$480,700.00 to \$614,570.00. Respondent averaged the indications for a value opinion for the vacant land of \$609,123.60 (\$15.30 per square foot).

Ms. Jaramillo presented three improved comparable sales ranging in sale price from \$900,000.00 to \$1,050,000.00 and in size from 1,558 to 1,859 square feet. The comparable sales were adjusted for location, condition and land to building ratio. The comparable sales ranged from 1958 to 1968 in their year of construction. After adjustments were made, the sales ranged from \$1,034,000.00 to \$1,155,000.00.

No adjustments were applied for inventory, personal property, business value or goodwill, though Ms. Jaramillo testified that such adjustments in total could alter the final sale price by up to 15%.

Respondent concluded to a value of \$743,700.00 by use of the cost approach. Respondent used a state-approved cost estimating service to derive a depreciated improvement total value of \$134,583.00.

Respondent's witness indicated greater weight was placed upon the cost approach due to the difficulty of separating the value for the inventory, personal property and goodwill components. As the cost approach does not include these components, Ms. Jaramillo determined a value of \$743,700.00 for 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. The Board notes that Respondent used one

comparable sale that was outside the 18-month base period, which the Board found acceptable in this situation because there was not an adequate showing of sales within the 18-month base period.

Petitioner presented insufficient evidence to support a value indication other than his purchase price, which was more than the amount assigned by Respondent. Petitioner submitted insufficient evidence to support the discounts for inventory, personal property and goodwill being requested.

### **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).

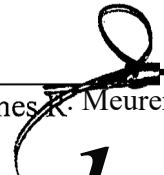
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 j\_J day of March 2011.

BOARD OF ASSESSMENT APPEALS

  
James R. Meurer

Iwn-- '7

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

--J--13 .=>

