

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD AND NANCY MCBROOM,</p> <p>v.</p> <p>Respondent:</p> <p>ARCHULETA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 57701</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 4, 2011, Sondra W. Mercier and MaryKay Kelley presiding. Richard McBroom appeared pro se on behalf of Petitioners. Respondent was represented by Todd M. Starr, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**2866 County Road 335, Pagosa Springs, Colorado
Archuleta County Schedule No. 588732204008**

The subject property is a 2.97 acre site located in the Lower Blanco neighborhood approximately ten miles south of Pagosa Springs. It consists of Tracts 12 and 13 and fronts to County Road 335 and Rainbow Road. The parcel backs to the Rio Blanco River, a small portion lying within a 100-year flood plain. Terrain is fairly level with a drop to the river and includes a level building envelope. The single improvement is a 30 X 36 metal shed with concrete floor and electrical service. Well and septic have not been installed.

Petitioners are requesting an actual value of \$69,000.00 for the subject property. Respondent assigned a value of \$117,970.00.

Petitioners purchased the property in June of 2011 for \$69,000.00. Mr. McBroom testified that Realtors told him that he had overpaid. The requested value is based on this purchase price.

Petitioners did not present independent comparable sales. Instead, Petitioners addressed Respondent's analysis, acknowledging that few vacant land sales were available. Mr. McBroom considered Respondent's Sale 1 (7 acres selling for \$130,000.00) to be most reliable due to its proximity to the subject and frontage to the Rio Blanco River. However, he considered its location superior because of surrounding larger ranches, meadows, views, and because it bordered national forest.

Mr. McBroom argued that Respondent's Sales 2 and 3 should be disqualified: they sit at greater distances from the subject; they back to the San Juan River, which has considerably greater cubic feet per second water flow than the Rio Blanco River and, therefore, carry greater marketability and value.

Respondent presented a value of \$143,000.00 for the subject property based on the market approach. Respondent's witnesses, Peter J. Schuck (appraisal license pending) and Natosha Smith (Licensed Appraiser and signing reviewer) presented three comparable sales; Sale 1 (7 acres) selling for \$130,000.00, Sale 2 (1.45 acre) selling for \$70,000.00, and Sale 3 (1.55 acre) selling for \$37,000.00. Time adjusted sale prices, respectively, were \$119,600.00 (\$17,085.00 per acre), \$69,020.00 (\$47,600.00 per acre), and \$35,520.00 (\$59,200.00 per acre).

Respondent placed most weight on Sale 2 due to its similarity in useable acreage, topography, minimal flood plain impact, and utility. Mr. Schuck, considering it superior to the subject, concluded to an indicated value for the subject of \$40,000.00 per acre or \$118,800.00. The subject's storage shed was valued at \$19,000.00 per Marshall & Swift Cost Manual and the electrical service at \$5,000.00, total indicated value being \$143,000.00.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2011.

The Board finds that Sale 2 is most similar to the subject for reasons stated by Respondent's witnesses. Petitioners' argument that Sale 2's distance from the subject and frontage to the larger San Juan River is not persuasive: marketability for vacant sites is likely based on terrain, view, river frontage, and building envelope; any river frontage provides similar ambiance and wildlife viewing; and distances to services and amenities in Pagosa Springs are not dissimilar. Petitioners did not present sufficient probative evidence to dispute Respondent's assigned 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 9th day of November, 2011.



BOARD OF ASSESSMENT APPEALS

Sondra W Mercier

Sondra W. Mercier

MaryKay Kelley

MaryKay Kelley

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

Milla Crichton

Milla Crichton