

<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>WILLIAM W. HOLBERG</b></p> <p>v.</p> <p>Respondent:</p> <p><b>CLEAR CREEK COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 57706</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on November 2, 2011, Gregg Near and Debra A. Baumbach presiding. Mr. William W. Holberg appeared pro se. Respondent was represented by Robert Loeffler, Esq. Petitioner is protesting the 2011 actual value of the subject properties.

Subject properties are described as follows:

- Saint Mary's Lot 323 Unit 3, Schedule No. R005841**
- Saint Mary's Lot 324 Unit 3, Schedule No. R005840**
- Saint Mary's Lot 325 Unit 3, Schedule No. R005839**
- Saint Mary's Lot 286 Unit 2, Schedule No. R005306**
- Saint Mary's Lot 863 Unit 5, Schedule No. R005103**
- Saint Mary's Lot 574 Unit 4, Schedule No. R005252**
- Clear Creek County, Colorado**

The subject properties are comprised of six vacant parcels located throughout the Saint Mary's Subdivision. The parcels vary in size from 4,007 to 20,517 square feet and the topography ranges from moderately level to steep terrain. The majority of roads in the area are unimproved requiring access by a four-wheel-drive vehicle. There are no available utilities at the majority of the lots and at present the Saint Mary's Water and Sanitation District has no plans to extend any utility lines within the subdivision.

Petitioner is requesting actual values for tax year 2011 as follows:

Lot 323: \$850.00  
Lot 324: \$850.00  
Lot 325: \$850.00  
Lot 286: \$1,000.00  
Lot 863: \$1,000.00  
Lot 574: \$840.00

Respondent has assigned actual values for tax year 2011 as follows:

Lot 323: \$4,000.00  
Lot 324: \$4,120.00  
Lot 325: \$4,180.00  
Lot 286: \$5,070.00  
Lot 863: \$4,540.00  
Lot 574: \$1,640.00

Respondent is recommending a reduction in value for the following lots:

Lot 323: \$2,230.00  
Lot 324: \$2,320.00  
Lot 325: \$2,380.00  
Lot 286: \$4,820.00

Petitioner testified that the subject sites are located in the Saint Mary's Subdivision. The topography ranges from moderately level to very steep terrain and the majority of roads are unimproved requiring access by a four-wheel-drive vehicle. Lot 574 has a drainage ditch running through the property and after spring runoff it becomes very marshy, affecting the utility of the site. Lots 323, 324 and 325 have adverse views due to overlooking abandoned mobile homes and access to the sites is difficult. There are no available utilities at the sites and no future ability to obtain utilities because the Saint Mary's Water and Sanitation District has no plans to extend the service. The subdivision has been declining in value because of the difficult access and lack of utilities. Petitioner contends that the sites have minimal value and no marketability. He has been unable to engage a realtor to list any of the properties because there is insufficient incentive to earn a commission on such low values.

Petitioner did not present any comparable sales but rather addressed each of the sales used by Respondent. Petitioner contends Respondent did not make sufficient adjustments to the sales for lack of utilities, access, terrain and lack of marketability. Petitioner believes further consideration should be given for the adverse conditions affecting each of the sites. Petitioner based his value analysis on his experience and what he believes the market would consider.

Petitioner is requesting the 2011 actual values of the subject properties as follows:

Lot 323: \$850.00  
Lot 324: \$850.00

Lot 325: \$850.00  
Lot 286: \$1,000.00  
Lot 863: \$1,000.00  
Lot 574: \$840.00

Respondent is recommending the following indications of value for the subject properties :

Lot 323: \$2,230.00  
Lot 324: \$2,320.00  
Lot 325: \$2,380.00  
Lot 286: \$4,820.00  
Lot 863: \$4,540.00  
Lot 574: \$1,640.00

Respondent's witness, Ms. Deborah M. Chapman, a Certified General Appraiser with the Clear Creek County Assessor's Office, testified that the subject parcels are located in the Saint Mary's Subdivision platted in 1969 through 1970. There are 160 single family residences, 22 mobile home sites and 738 vacant land parcels. The area is primarily used as a seasonal recreation area with only a few residences occupied on a full time basis.

In valuing the subject sites, Ms. Chapman testified that she relied upon the market approach. She selected sales in the subdivision that were considered to be the most similar in size, location, topography and market appeal. The subject sites and the comparable sales were all physically inspected. The sales, like the subject, have no available utilities and are subject to the same restrictions by the Saint Mary's Water and Sanitation District.

Ms. Chapman testified that in determining appropriate adjustments for differences in physical characteristics, a regression analysis was performed based on sales occurring in the appropriate tax base period. Ms. Chapman does not agree that marketability and value of the sites has diminished to Petitioner's values. The sales that occurred in the subdivision are reflective of the buyer's perception with regard to the lack of utilities, access and difficult terrain.

Ms. Chapman testified that based on her valuation conclusion for each of the sites, she believed that further consideration should be given to Lots 323, 324 and 286.

The Board concluded Respondent's market approach was the most reliable method to value the subject. Respondent relied on suitable sales located in the same market area and made adjustments for all differences in physical characteristics. Although Petitioner testified to what he believed the value of each of the sites reflects, he did not present any evidence to refute Respondent's adjustments or value conclusions. The Board gave the least amount of consideration to Petitioner's value analysis as there was no credible evidence supporting his conclusions.

The Board was convinced there are challenging factors affecting each of the parcels. The comparable sales used by Respondent are located in the subject's subdivision and share the same

challenging factors and reflect market perception for the lack of access, steep terrain and no available utilities.

The Board concluded that the 2011 actual value of the subject properties should be reduced to the amounts recommended by Respondent as follows:

Lot 323: \$2,230.00  
Lot 324: \$2,320.00  
Lot 325: \$2,380.00  
Lot 286: \$4,820.00  
Lot 863: \$4,540.00  
Lot 574: \$1,640.00

**ORDER:**

The Clear Creek County Assessor is directed to change their 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).

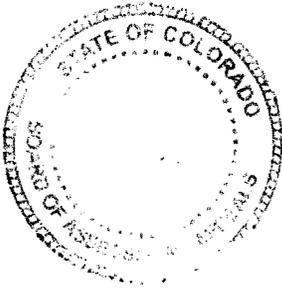
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according 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 1st day of December, 2011.



**BOARD OF ASSESSMENT APPEALS**

A handwritten signature in cursive script, appearing to read "Gregg Near", written over a horizontal line.

Gregg Near

A handwritten signature in cursive script, appearing to read "Debra A. Baumbach", written over a horizontal line.

Debra A. Baumbach

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

A handwritten signature in cursive script, appearing to read "Milla Crichton", written over a horizontal line.

Milla Crichton