

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket Number: 59637

Petitioner:

**JASON W. BRADFORD AND DALE ANTHONY
BRADFORD TRUST ET AL**

v.

Respondent:

CHAFFEE COUNTY BOARD OF EQUALIZATION

PARTIAL ORDER ON STIPULATION

THE PARTIES TO THIS ACTION entered into a Partial Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Partial Stipulation is attached and incorporated as a part of this decision. In all other respects, the April 3, 2012 Order shall remain in full force and effect for schedule numbers R36813126057 and R63813126058.

FINDINGS OF FACT AND CONCLUSIONS:

1. Subject property included in this stipulation is described as follows:

Schedule No.: R368131218050

2. Category: Valuation Property Type:

Vacant Land

3. Petitioner is protesting the 2011 actual value of the subject property.
4. The parties agreed that the 2011 actual value of the subject property should be
5. reduced to:

Total Value: \$175,000

(Reference Attached Stipulation)

4. The Board concurs with the attached Stipulation.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject property, as set forth in the attached Stipulation.

The Chaffee County Assessor is directed to change his/her records accordingly.

DATED/MAILED this 17th day of April, 2014.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

Debra A. Baumbach

Debra A. Baumbach

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

CM

Cara McKeller



BOARD OF ASSESSMENT APPEALS
STATE OF COLORADO

STATE OF COLORADO
BD OF ASSESSMENT APPEALS

2014 APR -2 AM 11:39

Docket Number: 59637

Single County Schedule Number: R368131218050

STIPULATION (As to Tax Year 2011 Actual Value)

JASON W. BRADFORD & DALE ANTHONY BRADFORD TRUST, ET AL,

Petitioner,

vs.

CHAFFEE COUNTY BOARD OF EQUALIZATION,

Respondent.

Petitioner(s) and Respondent hereby enter into this Stipulation regarding the tax year 2011 valuation of the subject property, and jointly move the Board of Assessment Appeals to enter its order based on this stipulation.

Petitioner(s) and Respondent agree and stipulate as follows:

1. The property subject to this stipulation is described as:

LOTS 1 THRU 7 & LOTS 22 THRU 28 BLK 18 PT VAC ALLEYWAY ADJ
LOTS & PT VAC IRON & ZINC STS KORTZ REC 366379

2. The subject property is classified as vacant commercial (what type of property).

3. The County Assessor originally assigned the following actual value to the subject property for tax year 2011:

Land	\$	188,201.00
Improvements	\$	0.00
Total	\$	188,201.00

4. After a timely appeal to the Board of Equalization, the Board of Equalization valued the subject property as follows:

Land	\$	188,201.00
Improvements	\$	0.00
Total	\$	188,201.00

5. After further review and negotiation, Petitioner(s) and County Board of Equalization agree to the following tax year 2011 actual value for the subject property:

Land	\$	<u>175,000</u>	.00
Improvements	\$	<u>0</u>	.00
Total	\$	<u>175,000</u>	.00

6. The valuation, as established above, shall be binding only with respect to tax year 2011.

7. Brief narrative as to why the reduction was made:
Petitioner appealed to the Court of Appeals, which reversed the BAA as to this parcel (Schedule No. 50) and remanded the case to the BAA to determine the actual value of Schedule No. 50 as required by section 39-1-103(14)(b).
The process produced additional information.

8. Both parties agree that the hearing scheduled before the Board of Assessment Appeals on NONE SET (date) at _____ (time) be vacated or a hearing has not yet been scheduled before the Board of Assessment Appeals.

DATED this 31 day of MARCH, 2014

Katherine M. Swan
Petitioner(s) or Agent or Attorney

[Signature]
County Attorney for Respondent,
Board of Equalization

Address:
Sender Wasserman Wadsworth
1660 Lincoln Street
Suite 2200
Denver, CO 80264
Telephone: 303.296.1999

Address:
104 Crestone Avenue
Salida, CO 81201
Telephone: 719.539.2218

[Signature]
County Assessor

Address:
104 Crestone Avenue
Salida, CO 81201
Telephone: 719.539.4016

Docket Number 59637

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on March 31, 2014, I mailed or caused to be mailed via US Postal Service first class mail, postage prepaid; facsimile; and/or email, a true and correct copy of the foregoing **STIPULATION** addressed as follows:

Via US Postal Service and Facsimile (303.864.7719)

Board of Assessment Appeals
1313 Sherman Street, Room 315
Denver, CO 80203

Via email (KSwan@sww-legal.com)

Katherine M. Swan
Sender Wasserman Wadsworth, P.C.
1660 Lincoln Street, Suite 2200
Denver, CO 80264
Attorneys for Petitioner

By: 
Barbara Tidd

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JASON W. BRADFORD AND DALE ANTHONY BRADFORD TRUST, ET AL,</p> <p>v.</p> <p>Respondent:</p> <p>CHAFFEE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59637</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 15, 2012, Louesa Maricle and Debra A. Baumbach presiding. Petitioners were represented by Mr. Matthew T. Faga, Esq. Respondent was represented by Ms. Jennifer A. Davis, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

County Road 150, Kortz Townsite, Salida, Colorado
Chaffee County Schedule No's: R368131216057, R368131215058 &
R368131218050

The subject property is comprised of three contiguous vacant land parcels located in a rural area northwest of Salida. The parcels lie within the EPA's Superfund Smelertown Site and currently have contaminated ground water migration under control. The zoning for the parcels is industrial and allows for subdivision of the parcels. The ability to develop the parcels is unknown because of past contamination. The parcels are located within close proximity to local amenities and have access.

Petitioners are requesting an actual value of \$300,000.00 for tax year 2011 for Schedule Nos. R368131216057 & R368131215058. Petitioners are requesting an actual value of \$50,000.00 for tax year 2011 for Schedule No. 368131218050. Respondent assigned an actual value of \$821,731.00 for tax year 2011 for Schedule Nos. R368131216057 & R368131215058. Respondent assigned an

actual value of \$188,201.00 for tax year 2011 for Schedule No. R368131218050 but is recommending a reduction to \$175,593.00.

Petitioners' witness, Mr. Jason Bradford, testified that the subject properties were purchased from a family trust after learning that the properties were in default. He contacted the bank and negotiated an agreement to acquire the properties. Mr. Bradford contends that the economy has remained slow and the value Respondent has placed on the properties is unreasonable.

Mr. Bradford testified that the subject parcels are located on a superfund site affected by ground water contamination. There has been remediation done, however, the ability for development is unknown at this time. The parcels are zoned for industrial use and have difficult access; utilities are available at the road and the topography is comprised of sagebrush.

Petitioners' witness, Mr. Walt Harder, Broker/Owner/Developer with RE/MAX Mountain River, testified that he is very familiar with the environmental issues in the subject area with regard to the superfund site. There is a plume path that runs through the area from a past wood treatment facility for railroad ties. Mr. Harder further testified that he was the buyer of Respondent's Sale 2 that was used in valuing the subject parcels.

Mr. Harder had been contacted by Mr. Bradford and the bank after the property fell in default concerning a possible purchase of the property. Mr. Harder testified that he was unable to find a buyer for the parcels because the market conditions in the area had been declining. Mr. Harder testified that based on his expertise in the area and considering the market conditions, the value for the parcels should be \$350,000.00.

Petitioners are requesting a 2011 actual value of \$300,000.00 for Schedule Nos. R368131216057, R368131215058 and \$50,000.00 for Schedule No. R368131218050.

Respondent presented an indicated value of \$175,593.00 for Schedule No. R368131218050. Respondent presented an indicated value for Schedule No. 368131216057 of \$935,950.00 and for Schedule No. 368131215058 a value of \$181,700.00 for a total value of \$1,293,243.00.

Respondent's witness, Mr. Dean C. Russell, Registered Appraiser with the Chaffee County Assessor's Office, presented a total indicated value of \$1,293,243.00. Mr. Russell used the same set of three comparable sales for each of the subject schedule numbers. The comparable sales ranged in sale price from \$80,000.00 to \$192,500.00 and in size from 13,750 to 53,800 square feet. After adjustments, the sales ranged from \$1,117,945.00 to \$1,152,360.00.

Mr. Russell testified that the subject parcels are contiguous and zoned for industrial business development. The issues associated with the ground water contamination have been mitigated for approximately three years and new business has started to relocate in the area.

Mr. Russell testified that the three comparable sales he used were the only sales that occurred within the statutory time frame and were located in the superfund site area. The sales are

much smaller in size compared to the subject parcels but share similar market perception. Mr. Russell testified that smaller parcels sell on a higher dollar per square foot basis than larger parcels. In determining adjustments for the differences in size, he derived an exponent factor based on a standard deviation statistical analysis. Mr. Russell correlated to an exponent factor of 0.7493. Other adjustments included a building kit for Sale 1; and Sale 3 was adjusted for a storage shed.

Mr. Russell testified that there was insufficient data to apply a time adjustment to the sales. He also applied a present worth discounting analysis calculating a discount rate of 14.5%, an eight year sellout period based on the three comparable sales for an indicated value of \$1,293,243.00.

Respondent assigned an actual value of \$175,593.00 for Schedule No. R368131218050. Respondent assigned an actual value of \$821,731.00 for Schedule Nos. 368131216057 and 368131215058.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

The Board was not convinced that Respondent's value analysis was well supported by the evidence. Respondent presented a standard deviation analysis to determine an exponent factor to adjust for differences in size. The three comparable sales were adjusted in excess of 900% of the sales price. The Board was not convinced that adjusting the sales to that degree support the value ranges. Respondent presented the Board with limited information as to how the sampling was compiled, what information went into the sampling and how many samples were relied on in determining the exponent factor. The Board concluded that a standard deviation analysis in this case did not support adjustments of that degree or a market value for the subject.

The Board was most persuaded by Mr. Harder's testimony that potential buyers in the subject area would buy on a building site basis and not solely on a square footage basis. The Board concluded that Petitioners' value estimate was more reasonable.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject properties as follows:

R368131218050 - \$50,000.00

R368131216057 & R368131216057 - \$300,000.00

Chaffee County Assessor is ordered to change his/her 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).

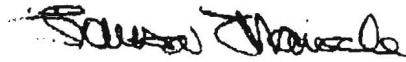
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 3rd day of April, 2012.

BOARD OF ASSESSMENT APPEALS

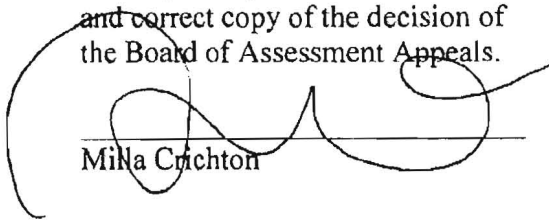


Louesa Maricle



Debra A. Baumbach

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



Mila Crichton

