

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>COLORADO PROPERTIES LP,</p> <p>v.</p> <p>Respondent:</p> <p>GUNNISON COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Richard Divine Address: 199 Fairway Drive Crested Butte, Colorado 81224 Phone Number: (970) 349-5575 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39179</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 3, 2002, Karen E. Hart and Debra A. Baumbach presiding. Petitioner was represented by Mr. Richard Divine, agent for the Petitioner. Respondent was represented by David Baumgarten, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Remainder Crested Mountain Lot II containing 3.427 acres (aka part of lodge sites 9 & 10) .054A in NE4NE4 Sec 26 13S86W B699 P735 (Gunnison County Schedule No. R005489)

Petitioner is protesting the 2001 actual value of the subject property, consisting of 177,529.73 square feet of land, with a building area consisting of 15,438.50 square feet. There is approximately 54,428.9 square feet of business zone. The subject is located at the base of Crested Butte Mountain Resort Ski Area.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

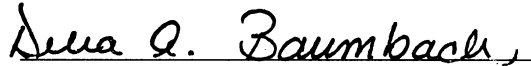
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 13th day of June, 2002.

BOARD OF ASSESSMENT APPEALS



Karen E. Hart

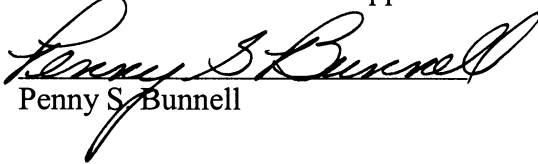


Debra A. Baumbach

This decision was put on the record

JUN 12 2002

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


Penny S. Bunnell

ISSUES:

Petitioner:

Petitioner contends that the Respondent has overvalued the business zone component of the subject. The Respondent has valued the business zone at \$45.00 per square foot. The Petitioner believes the value falls within a range of \$20.00 to \$25.00 per square foot

Respondent:

Respondent contends that the subject has been correctly valued based on the market comparison approach. The sales support the value conclusion and any factors affecting the value were considered.

FINDINGS OF FACT:

1. Mr. Richard Divine, agent, appeared as a witness and presented the appeal on behalf of Petitioner.

2. Based on the market approach, Petitioner presented an indicated value of between \$20.00 to no more than \$25.00 per square for the business area.

3. Petitioner did not present any comparable sales.

4. Mr. Divine testified that the comparable sales used by the Respondent were not market driven sales. Both of the sales were purchased under highly unusual circumstances that allowed for a market inflated sales price. Both of these sales were not considered to be arms-length transactions indicating that they were not considered to be reliable sales for comparison.

5. Mr. Divine testified that the two sales involved were part of the downtown redevelopment plan for the land assemblage needed by the town. The Galena Lot was negotiated by the Petitioner for purchase with the understanding that the town would buy it back for the original purchase price.

6. Mr. Divine testified that there were no sales in the area that sold for more than \$10.00 per square foot. He believes that the subject should be valued at between \$20.00 per square foot and not more than \$25.00 per square foot for the business zone.

7. Under cross-examination Mr. Divine testified that the two sales used by the Respondent are overstated. The town wanted to purchase the two lots for the land assemblage. There was a signed contract in place and an agreement that if the town would not purchase the lots at the original purchase price the contract could be voided.

8. Petitioner is requesting a 2001 actual value of \$25.00 per square foot for the business zone component.

9. Respondent's witness, Ms. Pamela Dixon, an appraiser with the Gunnison County Assessor's Office, presented an indicated value of \$2,044,930.00 for the subject property, based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$1,000,000.00 to \$1,600,000.00 and in size from 20,942.3 to 46,262.0 square feet. No adjustments were made to any of the sales. The cost approach and income approach were not considered to be applicable in this case.

11. Ms. Dixon testified that the sales used were arms-length transactions. The sales used were confirmed through the property declarations and follow up letters. There were not many sales that occurred during the base period. However, the sales did indicate some appreciation in the market and were the best sales available.

12. Ms. Dixon testified that the property record indicates three land values for the high-density multi-family area. The land value in question is the business zone valued at \$45.00 per square foot with a 57% adjustment for growth restriction indicating a value of \$19.35 per square foot.

13. Under cross-examination Ms. Dixon testified that there were a limited number of sales in the business zone during the reappraisal period. Sales that occurred past the base period were not considered. Improved properties are valued separately.

14. Respondent assigned an actual value of \$2,044,930.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three comparable sales supporting the value conclusion and addressed any factors affecting the overall valuation.

3. The Petitioner did not present any comparable sales for consideration. Petitioner presented no persuasive testimony or evidence indicating that two of Respondent's comparable sales were nonarms-length transactions. The Board was only provided with speculation that these two sales were not suitable sales. Additionally, the Petitioner testified to having knowledge of sales occurring at \$10.00 per square foot. However, the Petitioner did not present any of these sales or information about them.

4. The Respondent's assigned value takes into consideration all the factors affecting the overall valuation. The assigned value is well documented, supported and is affirmed based on the evidence and testimony presented.