

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BERTHA A. WEST,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 43633</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 1, 2005, Mary Kay Kelley and Judee Nuechter presiding. Petitioner was represented by her daughter, Peggy A. West. Respondent was represented by Ms. Linda Connors, Esq. Petitioner is protesting the 2004 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**153 Weston Lane, Estes Park Colorado
Larimer County Schedule Numbers R0519090, R0518956, and R0518964**

The subject property consists of an 892 square foot single-family ranch style dwelling built in 1939 on a .6-acre site (Lot 3), a .61-acre vacant parcel (Lot 4), and a 1.2-acre vacant parcel (Lot 5).

FINDINGS OF FACT:

1. Petitioner believes that Respondent did not consider the subject’s deficiencies, undesirable views and traffic noise from Highway 36. The subject property is elevated approximately 50 feet above Highway 36. Respondent acknowledged that the subject property does have commercial views, but that it also has elevated panoramic views of the valley, the golf course and Stanley Lake. The Board determined that the positive views offset the negative views, and that the traffic noise generated from Highway 36 is diminished due to the elevation of the subject

property.

2. The subject improvement is not insulated and the only heat source is a wood fireplace. No major improvements or upgrades have been made to the dwelling since 1960.

3. Petitioner did not present any comparable sales for the improved property. Petitioner is requesting that the actual value of the improved property (Lot 3) be reduced to \$148,500.00 for tax year 2004.

4. Respondent considered the subject improvement to be of fair quality. Respondent presented five comparable sales for the improved property (Lot 3) that were considered to be of fair quality. Respondent's comparable sales ranged in sales price from \$157,000.00 to \$180,000.00 and in size from 712 to 870 square feet. After adjustments for differences in physical characteristics, the sales ranged from \$165,230.00 to \$177,290.00. Respondent placed most weight on Comparable Sale 1, as it is similar to the subject in location, age, and physical characteristics, including a lack of central heating. Respondent concluded to an indicated value for the improved property (Lot 3) of \$165,000.00. The Board concurs. The \$165,000.00 value is substantiated by comparable sales that were properly adjusted for differences in age and physical characteristics.

5. The two vacant lots are undeveloped and do not have water taps.

6. Petitioner is requesting that the 2004 actual value of the vacant lots be reduced as follows:

Schedule No.	Requested Value
R0518956 (Lot 4)	\$48,000.00
R0518964 (Lot 5)	\$54,000.00

7. Petitioner presented two vacant land sales that occurred within the base period. The sales ranged in price from \$75,000.00 to \$90,000.00 and in size from .3 acres to 1.25 acres. After adjustments for time, the sales ranged from \$76,200.00 to \$92,000.00. The sales were not adjusted for any differences in physical characteristics. The Board determined that the values Petitioner is requesting for Lots 4 and 5 are not substantiated by Petitioner's vacant land sales.

8. Respondent valued the subject vacant lots using the buildable site method rather than the site size method. In arriving at an opinion of value for Lot 4, Respondent selected three comparable vacant land sales that represent the lower end of the Estes Park land market. The sales ranged in price from \$30,000.00 to \$75,000.00 and in size from .20 acres to .29 acres. After adjustments for time, the sales ranged in price from \$41,800.00 to \$75,400.00. Respondent concluded to an indicated value of \$71,800.00 for Lot 4.

9. Respondent presented five comparable vacant land sales used to value Lot 5. The comparable sales ranged in price from \$58,000.00 to \$75,000.00 and in size from .27 acres to 1.25 acres. After adjustments for time, the sales ranged in price from \$76,200.00 to \$80,600.00. Respondent reconciled to a value of \$76,500.00 for Lot 5.

10. The Board finds that the values assigned to Lots 4 and 5 are supported by market sales.

11. Respondent assigned an actual value of \$326,200.00 to the subject property for tax year 2004, but is recommending a reduction in value to \$313,300.00, allocated as follows:

Schedule No.	Recommended Value
R0519090 (Lot 3)	\$165,000.00
R0518956 (Lot 4)	\$71,800.00
R0518964 (Lot 5)	\$76,500.00

CONCLUSIONS OF LAW:

1. Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2004.

2. The Board concluded that the 2004 actual value of the subject property should be reduced to \$313,300.00.

ORDER:

Respondent is ordered to reduce the 2004 actual value of the subject property to \$313,300.00, allocated as follows:

Schedule No.	Value
R0519090 (Lot 3)	\$165,000.00
R0518956 (Lot 4)	\$71,800.00
R0518964 (Lot 5)	\$76,500.00

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

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 29th day of September 2005.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Judee Nuechter
Judee Nuechter

This decision was put on the record

SEP 28 2005

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

Penny S. Lowenthal
Penny S. Lowenthal

