

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PETER FLEISCHHACKER,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45157</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 19, 2006, Debra A. Baumbach and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Stephen Hess, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Teller County Schedule No. R0002497

The subject property consists of a 9.66 acre vacant land mining claim located near the Town of Cripple Creek, Colorado.

FINDINGS OF FACT:

1. The subject property is located approximately 5.1 miles from Cripple Creek. The mountain blocks the view of the Town of Cripple Creek.
2. Petitioner presented no comparable sales. However, Petitioner believes Respondent's sales are not comparable to the subject property and are superior to the subject in location.
3. Petitioner is requesting a 2005 actual value of \$11,000.00 for the subject property.

4. Respondent presented an indicated value of \$39,490.00 for the subject property based on the market approach.

5. Respondent presented four comparable sales ranging in sales price from \$37,000.00 to \$50,000.00 and in size from 8.18 acres to 10.33 acres. No adjustments were made to the sales as the comparables were considered to have nominal differences in physical characteristics and no time trend was indicated. All of the comparables are located in the same township as the subject, are similar in size, and are considered superior building sites, as is the subject.

6. Respondent assigned an actual value of \$39,490.00 to the subject property for tax year 2005.

CONCLUSIONS OF LAW:

1. Respondent's motion to dismiss the appeal is denied.

2. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.

3. The Board was persuaded that the proximity of the comparables sales to the Town of Cripple Creek is offset by the pristine location of the subject property, and that the subject property is overall superior to the comparables in physical characteristics and the availability of utility service.

ORDER:

The appeal 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 15th day of November 2006.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Karen E. Hart

Karen E. Hart

This decision was put on the record

NOV 14 2006

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

