

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>AKIN ADVENTURES, INC.</p> <p>v.</p> <p>Respondent:</p> <p>MONTEZUMA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 46415</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 22, 2006, MaryKay Kelly and Debra A. Baumbach presiding. Petitioner was represented by Carol Akin. Respondent was represented by Bob D. Slough, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**20650 Road M, Cortez, Colorado
Montezuma County Schedule No. 5613-131-00-003**

The subject property is a 70.34-acre parcel of vacant land located in rural Montezuma County.

FINDINGS OF FACT:

1. The subject property was part of an 80-acre parcel purchased in 2001. The 80-acre parcel was subdivided in 2003.

2. Petitioner testified that the subject property was leased to a horse operation with 70 horses. The ownership of the horses is unclear. No evidence was presented that indicates the presence of outbuildings or water on the subject property.

3. According to Petitioner, the subject property was overgrown with weeds as a result of overgrazing and drought. In March 2005, Petitioner contacted experts to aid in the weed elimination process.

4. Petitioner is requesting agricultural classification for the subject property.

5. Respondent's witness, William Scott Davies, a Certified General Appraiser, presented three land sales ranging in sales price from \$145,000 to \$208,700. After adjustments for time and size, the sales ranged from \$146,160 to \$195,710. Respondent concluded to an indicated value of \$148,000.

6. Mr. Davies indicated that the market area has been experiencing a higher degree of development. Many of the larger agricultural tracts are being subdivided for residential lots and a golf course community is located within 1.5 miles of the subject. With the renewed interest and development in the area, properties with agricultural classifications were reviewed to check for any errors in classification.

7. The subject was inspected several times and no evidence of agricultural use was ever found. In the fall of 2005, weeds were present on the parcel and four acres had been turned over, presumably as a weed control measure. No evidence related to the presence of any animals existed and the fencing appeared inadequate to contain any animals.

8. Petitioner did not provide the Montezuma County Assessor's office or the Board of Assessment Appeals with lease agreements or any other evidence to support agricultural classification.

9. Respondent classified the subject property as vacant land and assigned an actual value of \$141,740 for tax year 2005.

CONCLUSIONS OF LAW:

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

2. The subject property does not meet the statutory qualifications for agricultural classification. Pursuant to C.R.S.39-1-102(13.5) a Ranch is defined "as a parcel of land which is used for grazing livestock for the purpose of obtaining a monetary profit." "Livestock" means domestic animals which are used for food for human or animal consumption, breeding or draft or profit."

3. No evidence was presented to substantiate that horses were ever on the subject property.

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 5th day of November 2006.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley

MaryKay Kelley

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

NOV 03 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

