

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MITCHEL E. RHOADS,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 47507</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 30, 2007, Karen E. Hart and Sondra W. Mercier presiding. Petitioner appeared pro se. Respondent was represented by Eric Butler, Esq. Petitioner is protesting the 2006 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7215 West Alameda Avenue, Lakewood, Colorado
(Jefferson County Schedule No. 084689)**

The subject is a 3,710 square foot leased restaurant that was built in 1970, on a 27,675 square foot site. County records indicate an additional 1,400 square feet of basement space. Petitioner contends that the basement square footage is 1,330 square feet.

Petitioner contends that the property suffers from age and deferred maintenance, and has limited street appeal. Petitioner testified that the county was inconsistent in their analysis of the property regarding access and condition. Petitioner presented no data to support the requested value of \$390,000.00.

Respondent presented the following indicators of value:

Market:	\$630,700.00
Cost:	\$519,090.00
Income:	\$667,400.00

Respondent placed the greatest reliance on the market and income approaches, concluding to a value of \$640,000.00 for the subject.

The Board asked Respondent to recalculate each approach assuming that the basement square footage was 1,330, not 1,400 square feet as concluded by Respondent within their analysis. This resulted in a slight decrease in value under the cost and income approaches, with no change in the market approach. The adjusted values are as follows:

Market:	\$630,700.00
Cost:	\$517,620.00
Income:	\$665,600.00

The Board was convinced that the adjustment in square footage had no net affect on the final indication of value.

Respondent assigned an actual value of \$640,000.00 to the subject property for tax year 2006.

Respondent presented sufficient probative evidence and testimony to prove that the tax year 2006 valuation of the subject property was correct. All three approaches were well supported by Respondent, and the conclusion to the market and income approaches was reasonable.

ORDER:

The petition is denied.

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 Colorado Revised Statutes (“CRS”) section 24-4-106(11) (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 CRS section 24-4-106(11) (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.

Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 5th day of December 2007.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Sondra W. Mercier

Sondra W. Mercier

This decision was put on the record

DEC 04 2007

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

Heather Heinlein

Heather Heinlein

