

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>F. RAYLENE OWEN,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 47999</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 8, 2008, Diane M. Devries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1741 South Parker Road, Denver, Colorado
(Arapahoe County Schedule No. 1973-22-3-00-027)**

The subject property is a frame, ranch-style residence built in 1956 with 1,022 square feet, an unfinished basement, and a two-car garage. It sits on a 2.99-acre site in unincorporated Arapahoe County. Historical use and actual use for the 2007 tax year is pastureland and storage for farm implements. A drainage easement of 1.38 acres renders a portion of the site unusable, the remaining 1.61 acres being usable.

Respondent assigned an actual value of \$175,000.00 for tax year 2007. Petitioner is requesting a value of \$173,427.00.

Both parties define Colorado as an “actual use” state; comparable sales should share similar use as the subject property. Petitioner offered the draft of the 2005 Subarea Plan for the Four Square Mile Area, which identifies proposed changes in use along the South Parker Road corridor.

Petitioner did not present a market approach to value, arguing that none of Respondent’s comparable sales were used for pasturing horses or storing farm implements, the historical uses of the subject site, and thus did not adhere to the principal of “actual use.” She argued that Sale 1 is located ten miles away in a commercial area of Aurora. Petitioner argued that Sales 2 and 3 are considerably smaller than the subject site, too small for pasturing horses. Both sales are located in the 2005 Subarea Plan and have been rezoned as 1-2 units per acre and multi-family residential, respectively, both having been purchased for potential future use.

Because there has been no change in use for the subject parcel (pastureland), Petitioner is requesting that the value for tax year 2007 remain the same as for tax year 2006 (\$173,427.00).

Respondent’s witness presented an indicated value of \$258,600.00 for the subject property based on the market approach. Three comparable sales ranged in sales price from \$210,000.00 to \$325,000.00 and in size from 1,185 to 1,398 square feet. After adjustments were made, the sales ranged from \$277,219.00 to \$305,838.00. Sale 1 was selected for its location on Parker Road. Sales 2 and 3 were selected for their proximity to the subject property. Installation of public sewer (\$17,900.00) and a tap fee (\$3,500.00) were deducted from all adjusted sales prices and reconciled at \$258,600.00.

Petitioner did not present sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

The Board is not convinced that Respondent’s comparable sales were representative of the subject property’s current use. Sale 1 was located a considerable distance from the subject property with potential commercial use. None were purchased for residential and pasture use. The Board is convinced that all were purchased for development potential and that sales prices reflected future use. However, Petitioner did not provide the Board with market data to contest the assigned value of \$175,000.00. Respondent’s indicated value by market approach is much higher than the assigned value.

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 CRS § 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 § 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.

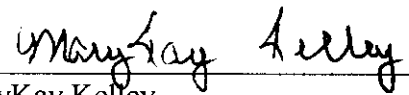
CRS § 39-8-108(2) (2008).

DATED and MAILED this 24th day of September 2008.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

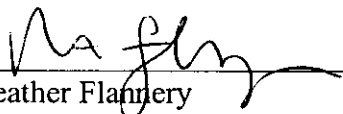


MaryKay Kelley

This decision was put on the record

SEP 24 2008

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



Heather Flannery

