

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>TRAPPER HOLLOW ENTERPRISES LLC,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>GARFIELD COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 55683</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on June 7, 2011, Louesa Maricle and Lyle D. Hansen presiding. Mr. John C. Fernie appeared on behalf of Petitioner. Respondent was represented by Cassandra Coleman, Esq. Petitioner is protesting the 2010 actual value of the subject property.

Subject property is described as follows:

**VIC, West 8<sup>th</sup> Street and Stillwell Avenue, Rifle, Colorado  
Garfield County Schedule Nos. R045802-05 and R045827**

The subject property consists of an undeveloped residential land parcel with five platted lots in the Trapper Hollow Condos Subdivision. The undeveloped land parcel contains a total of 2.31 acres.

Petitioner is requesting an actual value of \$126,635.00 for the subject property for tax year 2009. Respondent assigned a value of \$600,000.00 for the subject property for tax year 2009.

Petitioner's representative, Mr. John Fernie, presented one comparable sale of 8.87 acres with a sale price of \$700,000.00. No adjustments were made. Mr. Fernie testified that this comparable sale is located adjacent to the subject and occurred during the data gathering period when option contracts to purchase the property were written between May 2005 and January 2006, with closing occurring July 30, 2007. Mr. Fernie testified that there was no business relationship between the buyer and seller and that the sale was an arm's length transaction. He testified that the Garfield County Assessor's comparable sales have different locations, with utility lines and street

infrastructure adjacent to the sales parcels. Mr. Fernie testified that there are no water and sewer lines adjacent to the subject.

Petitioner is requesting a 2009 actual value of \$126,635.00 for the subject property.

Respondent presented a value of \$600,000.00 for the subject property based on the market approach.

Respondent's witness, Mr. Neal Bartczak, presented six comparable sales ranging in sale price from \$200,000.00 to \$1,900,000.00 and in size from 0.84 to 7.592 acres. No adjustments were made.

Mr. Bartczak testified that Petitioner's Comparable Sale was not considered in his valuation analysis because it involved contract options, had appearances of not being an arm's length transaction and was an older sale. He testified that his Comparable Sale 1, at \$273,691.00 per acre, was his best comparable sale. This parcel sold as raw ground and was not platted. He testified that the City of Rifle water and sewer lines are located at the northeast corner of the subject parcel.

Respondent assigned an actual value of \$600,000.00 to the subject property for tax year 2009.

The Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009.

The Board placed greater reliability upon Respondent's value estimate. The six comparable sales were located in the City of Rifle and were undeveloped residential-zoned parcels. The Board relied upon Respondent's comparable sale one as the best comparable sale. This sale occurred in the same month as the appraisal date, was comparable in acreage and sold for \$273,691.00 per acre. For the subject's 2.31 acres, this results in a value indication of \$632,226.00. The sale was an undeveloped residential parcel with water and sewer utilities adjacent to the parcel. The Board concluded that this sale price should have been adjusted downward for superior adjacent street improvements. Even with such a downward adjustment, the amount reached by the Board remains higher than that assigned by Respondent.

The Board agreed with the appraiser's conclusion of value of \$600,000.00.

**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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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).

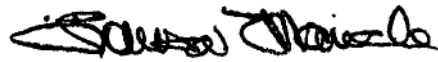
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

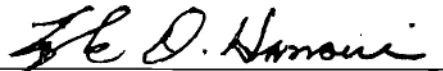
Section 39-8-108(2), C.R.S.

DATED and MAILED this 16 day of June 2011.

**BOARD OF ASSESSMENT APPEALS**

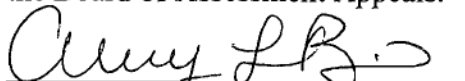


Louesa Maricle



Lyle D. Hansen

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

  
Amy Bruins