

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALFRED L. WEISBRICH,</p> <p>v.</p> <p>Respondent:</p> <p>ROUTT COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 57065</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 18, 2011, Greg Near and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by John D. Merrill, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**21521 Oglala Way, Oak Creek, Colorado
Routt County Schedule No. R3551714**

The subject property is a vacant 0.57 acre lot in the Horseback Subdivision, gently sloped and treed. Of the original 249 lots, 13 are improved. Horseback is one of nineteen subdivisions in the 2,520 lot Stagecoach development, originating in the early 1970's approximately 20 miles south of Steamboat Springs via County Road 14.

Stagecoach's developer failed a few years into the project, as did the water/sewer district, which has since emerged from bankruptcy protection. Lots were sold without infrastructure; original lots are serviced by public utilities, but 1,500 remain without service. Septic systems are allowed on five-acre lots, and the district has authorized a limited number of 2,000-gallon septic vaults with impact fees of \$12,500.00; vaults require removal and disposal of waste, have the potential of overwhelming the digesting microorganisms at the treatment facility, and are the subject of ongoing debate.

Electric service has been extended to portions of six roads in the Horseback Subdivision, not including the subject; access to electricity is an additional cost.

Petitioner is requesting an actual value of \$10,000.00 to \$15,000.00 for tax year 2009. Respondent assigned a value of \$43,000.00.

Petitioner's witness, Anton G. Stich, Horseback homeowner and community liaison, disagreed with Respondent's time adjustments because they were based on 222 vacant land sales throughout Stagecoach over a 24-month period, some with electricity and some with a gravity-fed sewer while the subject had neither. He considered Respondent's positive time adjustments excessive based on local events impacting market activity; the county's inability to pave Horseback's County Road 1041, denial of a developer's request for a seven-year conceptual approval extension, the water/sewer district's increased tap fees, and discussion regarding elimination of vault systems.

Mr. Stich, arguing the significant impact on the marketability of lots without infrastructure, estimated the value of the subject to be between \$10,000.00 and \$15,000.00.

Respondent presented a value of \$43,000.00 for the subject property based on the market approach. Respondent's witness, Sandra L. Herbison, Certified General Appraiser, presented four comparable sales ranging in sale price from \$35,000.00 to \$64,900.00 and in size from 0.52 to 0.57 acre. All were without water and sewer but physically nearer electricity and were selected from seven 2007 and eight 2006 sales. After adjustments for time, proximity to electricity, slope and view, the sales ranged from \$40,900.00 to \$54,800.00.

Ms. Herbison's time adjustments were based on two vacant lot analyses; ratios between actual values for tax year 2007 and 222 actual values for tax year 2009 from a variety of Stagecoach subdivisions, and repeat sales of ten vacant sites throughout Stagecoach. The data indicated a 5.1% per month increase from July 1, 2006 through October 31, 2007 and a 2.4% per month decrease from November 1, 2007 through June 20, 2008.

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

The Board, while acknowledging Petitioner's comments regarding Respondent's time adjustment analyses, is convinced that some degree of market appreciation existed, and Petitioner did not present quantifiable evidence to dispute Respondent's data. Local events reported by Petitioner's witness did not translate to a quantifiable impact on the market during the base period.

The Board agrees with Petitioner that the absence of infrastructure significantly impacts marketability and value. However, it is not persuaded that purchasers were unaware of these issues. The market approach is the appropriate appraisal method to derive an indicated value for the subject, and the Board was given no support for additional adjustments.

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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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 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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

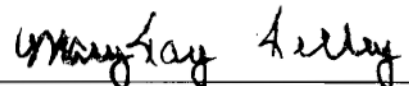
Section 39-10-114.5(2), C.R.S

DATED and MAILED this 16 day of May 2011.

BOARD OF ASSESSMENT APPEALS

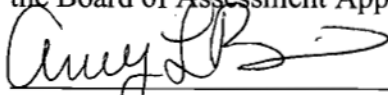


Gregg Near



MaryKay Kelley

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



Amy Bruins

