

<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>CRISTINA RATHKE-BISHOP,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>GRAND COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 57938</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 9, 2011, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioner was represented by Thomas Scott Bishop, spouse. Respondent was represented by Anthony J. DiCola, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**Two parcels of vacant land, Grand County, Colorado  
Grand County Schedule Nos. R084362 and R071510**

The subject property consists of two contiguous parcels of vacant land. The parcel identified as Schedule No. R084362 is 384-acres in size. The parcel identified as Schedule No. R071510 is 153.72-acres in size. Both parcels are in a high-alpine location and were previously classified as forest agricultural use.

Petitioner is requesting an actual value of \$500.00 per acre for the subject property for tax year 2011. Respondent assigned a value of \$2,000.00 per acre for the subject property for tax year 2011. Respondent is recommending a reduction in total value based on a correction to the size (acreage) of each of the subject parcels.

Petitioner presented three comparable sales ranging in sale price from \$186.36 to \$550.00 per acre and in size from 400 to 451 acres. Mr. Bishop testified that Petitioner had purchased the remaining 1/6<sup>th</sup> interest in a portion of the subject property for \$1,750.00 per acre in 2005. Petitioner contends that the subject has steep topography, high elevation not conducive to development and

difficult access that requires use of Denver and Englewood water board roads. Petitioner contends that the comparable properties used by Respondent offered superior access, were at lower elevations that would allow development, and had more moderate topography. Also at issue to Petitioner was the loss of trees to pine beetle and the cost to clear-cut much of the property for mitigation and future growth.

Petitioner is requesting a 2011 actual value of \$500.00 per acre for the subject property.

Respondent presented a value of \$3,000.00 per acre for the subject property based on the market approach.

Respondent's witness, Mr. William W. Wharton, Grand County Assessor's Office, presented six comparables indicating time adjusted sale prices ranging from \$1,836.00 to \$5,806.00 per acre and in size from 120.00 to 489.67 acres. However, Mr. Wharton concluded that no additional adjustments were required for size, access, location or water feature based on regression analysis.

Respondent contends that the sales used by Petitioner are not a reliable indicator of the value of the subject parcels. Respondent presented information to indicate that Petitioner's sale identified as Schedule No. R308473, was only 43.12 acres in size when purchased for \$85,400.00, and was combined with an adjacent larger parcel subsequent to the purchase. That sale indicates an adjusted price of \$1,980.52 per acre. Petitioner's sale identified as Schedule No. R012878 occurred in August 1999, outside the extended base period; therefore, it cannot be considered by the Board.

For Schedule No. R084362, Respondent assigned an actual value of \$800,000.00 to the subject property for tax year 2011 but is recommending a reduction in value to \$768,000.00 based on the corrected size of 384 acres. For Schedule No. R071510, Respondent assigned an actual value of \$320,000.00 to the subject property for tax year 2011 but is recommending a reduction in value to \$307,440.00 based on the corrected size of 153.72 acres.

Respondent presented sufficient probative evidence and testimony to prove that the subject parcels were correctly valued for tax year 2011. Sufficient sales data and analysis was presented to support the value of \$2,000.00 per acre that was placed on the subject parcels. The Board was convinced that no additional adjustments were required for size, access, location or water feature based on regression analysis.

Petitioner presented insufficient market data regarding the two sales that could be considered to support a reduction in value. Additionally, Petitioner's purchase of 1/6<sup>th</sup> interest was not shown to be an arms-length transaction representative of market. Petitioner provided insufficient market evidence to support adjustments for size, access, elevation, location, or issues relative to pine beetle infestation.

The Board concluded that for Schedule No. R084362, the value should be reduced to \$768,000.00 based on the corrected size of 384 acres. The Board concluded that for Schedule No. R071510, the value should be reduced to \$307,440.00 based on the corrected size of 153.72 acres.

**ORDER:**

Respondent is ordered to reduce the 2011 actual value of Schedule No. R084362 to \$768,000.00.

Respondent is ordered to reduce the 2011 actual value of Schedule No. R071510 to \$307,440.00.

The Grand County Assessor is directed to change their records accordingly.

**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 3rd day of January, 2012.

**BOARD OF ASSESSMENT APPEALS**



Debra A. Baumbach

Sondra W. Mercier  
Sondra W. Mercier

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

Milla Crichton  
Milla Crichton

