

<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>LESTER L. COLE,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 62702</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 27, 2014, Brooke B. Leer and MaryKay Kelley presiding. Petitioner was represented by Mills H. Ford, Agent. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**5847 South Broadway, Littleton, Colorado  
Arapahoe County Schedule No. 2077-15-3-21-014**

The subject is a 7,658 square-foot multi-tenant structure. It was built in 1984 on a 0.275 acre site and sides a major traffic street.

Respondent assigned a value of \$463,000 for tax year 2013. Petitioner is requesting a value of \$400,000.

Petitioner owns the subject’s adjoining 0.275 acre parcel. While it provides access and parking for the subject parcel, its assigned value is not in dispute. Petitioner considers the two parcels to be independent entities; they have separate legal descriptions, schedule numbers, tax bills and can be sold independently.

Petitioner’s agent, Mills H. Ford, Certified General Appraiser, valued the subject property as an independent parcel with deficiencies; extremely limited parking (one or two spaces), and without

direct access to Broadway. He presented the following indicators of value, reconciling to a value of \$400,000:

Market	\$390,000
Income:	\$400,000

Mr. Ford presented a market approach that included five comparable sales from the South Broadway corridor ranging in sale price from \$46.08 to \$114.17 per square foot. After adjustments were made, the sales ranged from \$45.49 to \$55.49 per square foot. All were adjusted by 20% for the subject's lack of parking. Mr. Ford considered access from Broadway to be curable despite the necessity to demolish a part of the building.

Mr. Ford presented an income approach to derive a value of \$400,000. He derived a rental rate from the mean and median of four adjusted rental properties. Based on his experience, vacancy rate, fees, and expenses were estimated. His 9.5% capitalization rate was secured from industry publications. This approach was given more weight.

Respondent's witness, Gary Mycock, Certified General Appraiser, considered the two parcels to be a single economic unit: the improved parcel; and the adjoining parking lot (Schedule No. 2077-15-3-21-015), which also provides access from Broadway. He testified that the improved parcel was not economically feasible without the 38-space parking lot and that valuing commercial properties along with parking areas was typical in the retail market.

Mr. Mycock presented the following indicators of value, reconciling to a value of \$650,000:

Market:	\$650,000
Income:	\$758,000

Mr. Mycock presented a market approach that included four comparable sales with similar property types, number of parking spaces, and traffic locations. They ranged in sale price from \$56.81 to \$187.50 per square foot. After adjustments were made, the sales ranged from \$80.68 to \$112.50 per square foot. Greater weight was placed on this approach.

Mr. Mycock used the income approach to derive a value of \$758,000. He presented four rental properties located on South Broadway and concluded to a rental rate of \$11.00 per square foot. His 15% vacancy and collection loss was derived from a CoStar survey outlined in the report. His capitalization rate of 8.50% was market extracted and supported by investment data and published sources.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2013.

The Board is convinced that the improved parcel and the adjoining parking lot are a single economic unit. The subject parcel cannot feasibly exist as a commercial entity without the parking lot. The Board agrees with Respondent that the improved parcel should be valued with access and

parking provided by the adjoining site. Respondent's witness correctly completed a convincing appraisal of the subject property.

**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-nine 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-nine days after the date of the service of the final order entered).

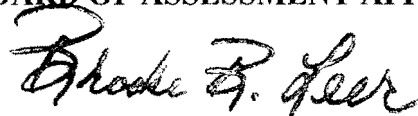
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 10th day of March, 2014.

**BOARD OF ASSESSMENT APPEALS**



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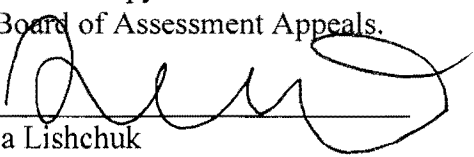
Brooke B. Leer

MaryKay Kelley

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MaryKay Kelley

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

  
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Milla Lishchuk

