

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ANDREW AND ELLEN SELIG,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 62759</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 10, 2014, James Meurer and MaryKay Kelley presiding. Andrew Selig appeared pro se on behalf of Petitioners. Respondent was represented by David A. Ayraud, Esq. Petitioners are protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**Lot 16, Replat of Uplands at Fish Creek
Larimer County Schedule No. 24062-09-016**

The subject is a 1.16-acre vacant site in the Uplands Subdivision of Estes Park. It features sloping terrain and panoramic mountain views that include Longs Peak and the Continental Divide. The Uplands is adjacent to open space and forest service land with 41 lots, paved roads, and all utilities.

Respondent assigned an actual value of \$235,000 for tax year 2013. Petitioners are requesting a value at or below \$200,000.

Mr. Selig described the site's topography as predominantly level with few trees. He considered it to be negatively impacted by Fish Creek Road traffic noise and the view of Carriage Hill homes, which are smaller, less expensive, and densely situated. Having purchased the site in 2006 for \$315,000, Petitioners more recently listed it for \$429,000 and later for \$325,000 without any offers.

Mr. Selig discussed the only base period sale in the subdivision, Lot 31. He described it as superior due to its elevation and superior views, trees and vegetation, proximity to national forest, and without traffic noise. Respondent declined adjustments for these differences.

Mr. Selig objected to Respondent's use of comparable sales in the Reserve because of its overall superior views, larger lots and higher priced homes. He also questioned Respondent's refusal to compare sales within Kiowa Ridge, Arapahoe Meadows, Cherokee Meadows, and Sleepy Hollow.

Mr. Selig presented a statistical approach to value: the mean of twelve varying-subdivision sales, including Lot 31 in the Uplands, for an estimated value of \$175,008; and the mean of fourteen varying-subdivision sales, including Lot 31 in the Uplands and the two Reserve sales, for an estimated value of \$192,864. His requested value of \$200,000 or lower reflects this analysis.

Respondent presented a value of \$235,000 for the subject property based on the market approach. Respondent's witness, Jody Masters, Certified General Appraiser, presented three comparable sales ranging in sale price from \$235,000 to \$300,000 and in size from 1.20 to 1.64 acre. Due to the similarity of the sites, no adjustments were made. Most weight was assigned to Sale One, Lot 31, within the subject subdivision. Ms. Masters considered Sales Two and Three, located in The Reserve, to be comparable and supportive.

In response to Petitioners' discussion of Lot 31 in the Uplands, Ms. Masters described its features and the subject lot's features as offsetting. While Lot 31 sits at a slightly higher elevation, it is also steeper and rockier than the subject's gentle slope and level building envelope. She did not hear traffic noise on the subject site and considered both lots similarly private and secluded. She did not consider the subject's distant view of Carriage Hill to be a negative impact because of the exceptional mountain views surrounding the subject site. She also noted that both lots have similar access to national forest.

Ms. Masters described all other subdivisions mentioned by Petitioners in the Estes Park area as inferior to both the Uplands and the Reserve. All were located in low-lying meadow terrain bordered by rocky ridges and without view premiums.

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

Both state constitution and statutes require use of the market approach in valuing residential property. Petitioners' statistical analysis does not meet appraisal standards.

The Board, while acknowledging Petitioners' arguments, is not persuaded that the subject is inferior to Lot 31, either in its terrain, view, traffic noise, or proximity to national forest land. While comparable sales are limited, Respondent's market analysis included the only sale in the subject subdivision and two very similar sites in the Reserve. No testimony or evidence was provided to convince the Board that alternate site sales were superior.

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.

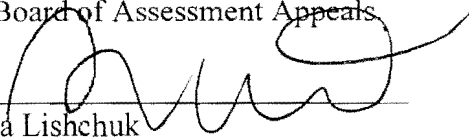
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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




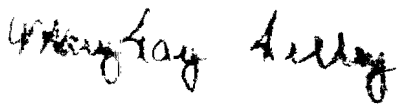
DATED and MAILED this 19th day of February, 2014.

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


Milla Lishchuk

BOARD OF ASSESSMENT APPEALS


James R. Meurer


MaryKay Kelley