

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 65764

Petitioner:

**RICHARD PALIAFITO, TRUSTEE, C/O WILLIAM
PUTZ,**

v.

Respondent:

MESA COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on July 20, 2016, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner was represented by William Putz, Trustee. Respondent was represented by John Rhoads, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**Four parcels located in Section 19, Township 11 South, Range 96 West of the
Sixth P.M., Mesa County, Colorado
Mesa County Schedule Nos. R022850, R022888, R022891 and R022893**

The subject property consists of four illegally subdivided parcels of vacant land located in an area known as Powderhorn West, less than a mile from the base area of the Powderhorn Ski Resort. Section 19 was surveyed in 1971 and recorded as 48 parcels; however, this was not approved as a platted, legal subdivision. The four parcels are (Parcel 1) 7.16 acres; (Parcel 2) 8.75 acres; (Parcel 3) 10.99 acres; and, (Parcel 4) 8.91 acres in size. Although they are zoned AFT-Agricultural, Forestry, Transitional District, they are not currently used for agricultural purposes; therefore, they are classified as "vacant residential" for purposes of taxation. The terrain is described as generally flat with rolling ridges. Foliage includes oak, aspen, willow and some pine trees.

Petitioner is requesting an actual value of \$3,000 for each of the parcels for tax year 2015. Respondent assigned values of \$15,000, \$20,000, \$25,000, and \$20,000 to the parcels but is recommending reductions to \$13,700, \$16,600, \$20,500 and \$16,900, identified as follows:

Subject	Account Number	Petitioner Requested Value	2015 Assigned Value	2015 Recommended Value
Parcel 1	R022850	\$3,000	\$15,000	\$13,700
Parcel 2	R022888	\$3,000	\$20,000	\$16,600
Parcel 3	R022891	\$3,000	\$25,000	\$20,500
Parcel 4	R022893	\$3,000	\$20,000	\$16,900

Petitioner contends that because the subject parcels were not legally subdivided, limiting the ability for property owners to get building permits, along with the lack of access, the properties had minimal to no value. Mr. Putz provided a letter from the Senior Planner of Mesa County Operations Department indicating that a building permit would not be issued without planning approval. Further, because the parcels were not legally subdivided, the Planning Division would not approve a Residential Site Plan, which would allow issuance of a building permit (Exhibit 1). Mr. Putz presented a letter from another property owner that confirmed the County's stand regarding building permits (Exhibit 2).

Petitioner did not present comparable sales for consideration of the Board. Mr. Putz testified that use of a sale between Ronda Hummel and Hummel Land Company should not be considered as it was not an arms-length transaction (Exhibit 3). A second letter (Exhibit 4) from Ronda Hummel to Mr. Putz outlined the history of the illegal subdivision.

A letter from a local real estate agent, Tammie Martin, (Exhibit 5) indicated that the properties would likely be worth less than \$2,000 per acre. Mr. Putz testified that the cost to cure the problems associated with the development issues of the subject parcels was estimated at \$70,000 to \$100,000. Petitioner is requesting a 2015 actual value of \$3,000 per site for the subject parcels.

Respondent's witness, April A. Hardy, Ad Valorem Appraiser with the Mesa County Assessor's Office, presented three comparable sales ranging in sale price from \$15,000 to \$25,000 and in size from 7.7 to 13.6 acres. Sale 1 was identified as a 13.6-acre site that sold in October 2012 for \$25,000. It is located in Section 19, like the subject properties, with the same access and development issues as the subject sites. This sale represents Rhonda Hummel's purchase of the site referenced by Mr. Putz, which she subsequently transferred to Hummel Land Company in September 2013 in a non-arms-length transaction. Sale 2 was identified as a 7.70-acre property that sold in March 2013 for \$15,100. It is also located in Section 19, with the same access and development issues as the subject. Respondent's Sale 3 is the sale of an 8.3-acre property which sold in November 2012 for \$15,000. It too is located in Section 19, with the same issues as the subject parcels.

Each of the sales was analyzed and compared to individual subject' parcels. Adjustments were limited to a comparison for size. After adjustments were made, the sales indicated the following values:

Subject	Account Number	Sale 1	Sale 2	Sale 3	Concluded Value
Parcel 1	R022850	\$13,200	\$14,000	\$13,000	\$13,700
Parcel 2	R022888	\$16,200	\$17,200	\$15,900	\$16,600
Parcel 3	R022891	\$20,200	\$21,600	\$19,900	\$20,500
Parcel 4	R022893	\$16,400	\$17,500	\$16,100	\$16,900

Sufficient probative evidence and testimony was presented to prove that the subject property should be set at Respondent's recommended value. Respondent presented a site specific appraisal of the subject parcels, relying on three sales of sites located in the same surveyed section as the subject. All three sales suffered from the same access and development issues as the subject properties, with minor adjustment made for size. Petitioner presented no comparable sales for consideration by the Board.

The Board concluded that the 2015 actual value of the subject parcels should be reduced to Respondent's recommended values.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject properties as follows:

Subject	Account Number	Concluded Value
Parcel 1	R022850	\$13,700
Parcel 2	R022888	\$16,600
Parcel 3	R022891	\$20,500
Parcel 4	R022893	\$16,900

The Mesa 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-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).

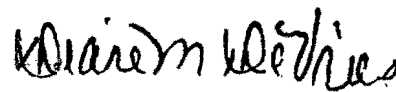
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 29th day of July, 2016.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



Sondra W. Mercier

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



Milla Lishchuk

