

<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>CENTENNIAL MISSION LLC,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 71521</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on September 4, 2018, Louesa Maricle and MaryKay Kelley presiding. Petitioner was represented by Samuel Howard Brown, Esq., owner of the subject property. Respondent was represented by Heather Tomka, Esq. Petitioner is protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**7625 West 88<sup>th</sup> Avenue, Westminster, Colorado  
Jefferson County Schedule No. 300433974**

The subject is a parcel measuring 0.861 acre. It is improved with asphalt and striped for use as a parking lot.

Respondent assigned an actual value of \$675,000 for tax year 2017. Petitioner is requesting a value of \$150,000.

Mr. Brown purchased the subject acreage in 2010 along with the adjoining 9.37-acre improved site (commercial retail), which is the subject of Docket 71520. The two parcels are interrelated as the subject parcel provides parking for the adjoining improved parcel (two retail buildings and additional 412 parking spaces).

Respondent's witness Katherine E. Fontana, Certified General Appraiser for the Jefferson County Assessor's Office, described the subject parcel and the adjoining improved 9.37-acre parcel.

Ms. Fontana valued the subject parcel (parking lot) and the adjoining improved parcel (subject of Docket 71520) as a single unit. She explained that valuation of the two parcels as a single unit was appropriate considering that both parcels are under the same ownership and that there is no visual separation between the two lots.

Ms. Fontana presented a Sales Comparison Analysis of the subject property. It included three comparable sales ranging in price per square foot from \$14.41 to \$23.33. The analysis was a test of reasonableness supporting the value indicated for the subject and the adjoining improved parcel valued as a single unit in Docket 71520. Ms. Fontana, in testimony, concluded to a value of \$18.00 per square foot or \$675,000 for the subject property for tax year 2017.

Petitioner's witness, John McConnell, Principal Planner for the City of Westminster, discussed a building moratorium that was adopted on July 23, 2018. The Board finds that the moratorium was not in place during the relevant base period and, therefore, has no relevance to this appeal.

Mr. Brown argued that Respondent's witness failed to consider a comparable sale at 4700 Tower Road, which was a 0.47-acre site servicing a shopping center and purchased by him for \$82,306 in July of 2016. Ms. Fontana responded that she rejected it as a comparable sale because Mr. Brown had ownership interests in two adjoining properties. The Board agrees with Respondent's witness that this sale was not likely an arm's length transaction.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence. . ." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

Section 39-1-103(5)(a), C.R.S. requires consideration of the three approaches to value none of which were presented by Petitioner. Respondent's witness correctly completed an appraisal of the subject property. Petitioner presented two arguments, one referencing a moratorium that the Board finds irrelevant and another offering a comparable sale rejected by the Board.

## **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 4th day of October, 2018.

**BOARD OF ASSESSMENT APPEALS**

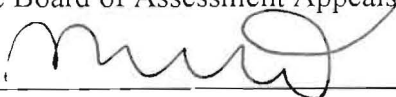


Louesa Maricle



MaryKay Kelley

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



Milla Lishchuk