

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>STEAMBOAT SKI & RESORT CORP,</p> <p>v.</p> <p>Respondent:</p> <p>ROUTT COUNTY BOARD OF COMMISSIONERS.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Thomas E. Downey, Jr. Downey & Knickrehm Address: 733 East Eighth Avenue Denver, Colorado 80203 Phone Number: 303-813-1111 Attorney Reg. No.: 9686</p>	<p>Docket Number: 43521</p>
<p>ORDER ON STIPULATION</p>	

THE PARTIES TO THIS ACTION entered into a Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Stipulation is attached and incorporated as a part of this decision.

FINDINGS OF FACT AND CONCLUSIONS:

1. Subject property is described as follows:

County Schedule No.: R8166241

Category: Refund/Abatement Property Type: Commercial
2. Petitioner is protesting the 2001/2002 actual value of the subject property.

3. The parties agreed that the 2001/2001 actual value of the subject property should be reduced to:

Land	\$0.00
Improvements	<u>\$0.00</u>
Total	\$0.00

4. The Board concurs with the Stipulation.

ORDER:

Respondent is ordered to reduce the 2001/2002 actual value of the subject property, as set forth above.

The Routt County Assessor is directed to change her records accordingly.

DATED/MAILED this 23rd day of June, 2004.

This decision was put on the record

June 22, 2004

BOARD OF ASSESSMENT APPEALS

Karen E. Hart
Karen E. Hart

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

Debra A. Baumbach
Debra A. Baumbach

Marian F. Brennan
Marian F. Brennan



BOARD OF ASSESSMENT APPEALS STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	
Petitioner: STEAMBOAT SKI & RESORT CORP, v. Respondent: ROUTT COUNTY BOARD OF COMMISSIONERS.	Docket Number: 43521 Single County Schedule Number: R8166241
ATTORNEY FOR RESPONDENT: John D. Merrill, Reg. No. 19505 Routt County Attorney 136 – 6 th Street P.O. Box 773598 Steamboat Springs, Colorado 80477 Phone Number: (970) 870-5317 Fax Number: (970) 870-5381	RECEIVED JUN 21 AM 7:53
STIPULATION (As to Tax Years 2001 and 2002 Actual Value)	

Petitioner and Respondent hereby enter into this Stipulation regarding the tax years 2001 and 2002 valuation of the subject property, and jointly move the Board of Assessment Appeals to enter its order based on this Stipulation.

Petitioner and Respondent agree and stipulate as follows:

1. The property subject to this Stipulation is described as: Development Parcels 1-5, Gondola Square Condominiums - Total 1.49A.
2. The subject property currently is classified as Commercial.
3. The County Assessor originally assigned the following actual value to the subject property for tax years 2001 and 2002:

Land	\$1,564,500.00
Improvements	<u>0</u>
Total	\$1,564,500.00

4. After a timely appeal to the Board of County Commissioners, the Board of County Commissioners valued the subject property as follows:

Land	\$1,564,500.00
Improvements	<u>0</u>
Total	\$1,564,500.00

5. After further review and negotiation, Petitioner and Respondent agree to the following actual value for the subject property for tax years 2001 and 2002:

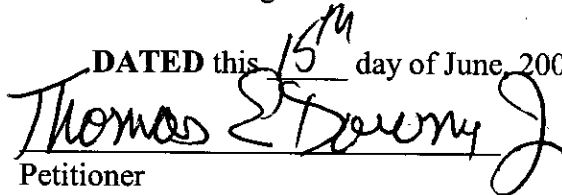
Land	\$0
Improvements	<u>0</u>
Total	\$0

6. The valuation, as established above, shall be binding only with respect to tax years 2001 and 2002.

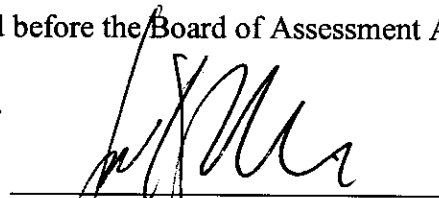
7. Petitioner contends that the Development Parcels, which are the subject of this appeal, are not "real property" within the meaning of Title 39 of the Colorado Revised Statutes, and thus are not legally subject to valuation and taxation as real property. Petitioner alternatively asserts that, even if the Development Parcels could be valued and taxed as "real property," any value that could be assigned to said parcels is already recognized in the individual condominium unit values in Gondola Square, and to assign additional value to the Development Parcels would result in a double taxation. Respondent, although not conceding Petitioner's argument that the Development Parcels are not separately subject to valuation and taxation as "real property," nevertheless concedes the validity of Petitioner's alternative argument that any value that could be assigned to the Development Parcels would merely duplicate the values already assigned to the individual condominium units. The Petitioner and Respondent have reached a compromise and settlement and have elected not to litigate the legal issue of whether the Development Parcels may be separately valued and taxed as real property pursuant to Title 39 of the Colorado Revised Statutes.


8. No hearing date has been scheduled before the Board of Assessment Appeals.

DATED this 15th day of June, 2004.


Petitioner

Thomas E. Downey, Jr. 9684
Downey & Knickrehm
733 East Eighth Avenue
Denver, CO 80203
(303) 813-1111


County Attorney for Respondent,
Board of County Commissioners
John D. Merrill, Reg. No. 19505
Routt County Attorney
P.O. Box 773598
Steamboat Springs, CO 80477
(970) 870-5317


County Assessor
Amy J. Williams
Routt County Assessor
P.O. Box 773210
Steamboat Springs, CO 80477
(970) 879-2756