

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	<b>Docket Number: 64153</b>
Petitioner: <b>WHOLE FOODS MARKET ROCKY MTN. /SOUTHWEST LP,</b>  v.  Respondent: <b>EL PASO COUNTY BOARD OF COMMISSIONERS.</b>	
<b>ORDER ON STIPULATION</b>	

**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.: 86948**  
  
**Category: Abatement      Property Type: Commercial Personal**
2. Petitioner is protesting the 2011 actual value of the subject property.
3. The parties agreed that the 2011 actual value of the subject property should be reduced to:  
  

**Total Value:            \$541,195**  
 (Reference Attached Stipulation)
4. The Board concurs with the Stipulation.

**ORDER:**

Respondent is ordered to reduce the 2011 actual value of the subject property, as set forth above.

The El Paso County Assessor is directed to change his/her records accordingly.

**DATED AND MAILED** this 3rd day of September 2014.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*

\_\_\_\_\_  
Diane M. DeVries

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

\_\_\_\_\_  
Cara McKeller



STATE OF COLORADO  
BOARD OF ASSESSMENT APPEALS  
2014 AUG 29 PM 3:38

BOARD OF ASSESSMENT APPEALS  
STATE OF COLORADO

Docket Number: 64152 & 64153  
Single County Schedule Number: 81,437 & 86,948

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STIPULATION (As to Abatement/Refund For Tax Year 2011)

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Whole Foods Market Rocky Mtn./ Southwest LP

Petitioner(s),

vs.

EL PASO COUNTY BOARD OF COMMISSIONERS,

Respondent

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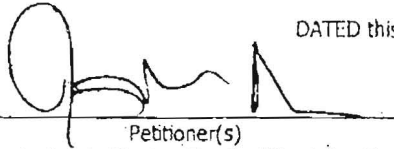
Petitioner(s) and Respondent hereby enter into this Stipulation regarding the tax year 2011 valuation of the subject property, and jointly move the Board of Assessment Appeals to enter its order based on this Stipulation.

Petitioner(s) and Respondent agree and stipulate as follows:

1. The property subject to this Stipulation is described as set forth in the County Schedule Numbers on the Attachments to this Stipulation.
2. The subject property is classified as Business Personal property.
3. Attachment A reflects the actual values of the subject properties, as assigned by the Assessor for tax year 2011.
4. Attachment B reflects the actual values of the subject properties after a timely appeal, as assigned by the Board of Commissioners.
5. After further review and negotiation, the Petitioner(s) and Respondent agree to the tax year 2011 actual values of the subject properties, as shown on Attachment C.
6. The valuation, as established on attachment C, shall be binding only with respect to tax year 2011.
7. Brief narrative as to why the reduction was made: After review, our office came to the conclusion that our office could not support the Economic Obsolescence argument that Safeway requested; however, there was consideration given to Functional Obsolescence (An element of accrued depreciation resulting from deficiencies or superadequacies in the equipment). A majority of the stores here in El Paso County are open 18-24 hours, and also for marketing purposes Safeway rearranges their stores semiannually in most, which means that most of the PP is broken down and reassembled, which means personal property reaches its fully depreciated life before the 9+1 years. We considered this argument just for the grocery stores, not the fuel centers, and found that this led to a reduction in value between 20-50% depending on the store, which was much lower than their requested 50-70% reduction.

8. Both parties agree that the hearing scheduled before the Board of Assessment Appeals on **September 29, 2014 at 8:30** be vacated; or, \_\_\_ (check if appropriate) a hearing has not yet been scheduled before the Board of Assessment Appeals.

DATED this August 11 day of 2014

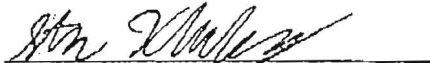
X 

Petitioner(s)

By: **Whole Foods Market Rocky Mtn./ Southwest LP**

Address: **C/O Assessment Technologies, LTD.  
James Hausman  
121 Interpark Blvd, Ste 308  
San Antonio, TX 78216**


Telephone: **210-270-1460**



County Attorney for Respondent,  
Board of Commissioners.

Address: **200 S. Cascade Ave. Ste 150  
Colorado Springs, CO 80903**

Telephone: **(719) 520-6485**



County Assessor

*Deputy Assessor*

Address: **1675 W. Garden of Gods Rd. Ste 2300  
Colorado Springs, CO 80907**

Telephone: **(719) 520-6610**

Docket Number: 64152 & 64153  
StipMlt:Aba

ATTACHMENT A

ACTUAL VALUES, AS ASSIGNED BY THE ASSESSOR

Docket Number: 64152 & 64153

DOCKET #	Schedule Number	Total Actual Value
64152	81,437	\$1,608,574
64153	86,948	\$773,135

x FSK / DEPUTY ASSESSOR | 08-29-2014

ATTACHMENT B

ACTUAL VALUES, AS ASSIGNED BY THE COUNTY BOARD OF COMMISSIONERS  
AFTER A TIMELY APPEAL

Docket Number: 64152 & 64153

Docket #	Schedule Number	Total Actual Value
64152	81,437	\$1,608,574
64153	86,948	\$773,135

x *SFR* / Deputy Assessor | 08-24-2014

ATTACHMENT C

ACTUAL VALUES, AS AGREED TO BY ALL PARTIES

Docket Number: 64152 & 64153

Docket #	Schedule Number	Total Actual Value
64152	81,437	\$1,126,002
64153	86,948	\$541,195

X FSK | Deputy Assessor | 08-29-2014