

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	<b>Docket Number: 69099</b>
Petitioner: <b>HOLCIM (US) INC. -</b>  v.  Respondent: <b>FREMONT COUNTY BOARD OF EQUALIZATION</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.: P071400+2**  
**Category: Valuation/Protest Appeal      Property Type: Personal Property**
  
2. Petitioner is protesting the 2016 actual value of the subject property.
  
3. The parties agreed that the 2016 actual value of the subject property should be reduced to:  

**Total Value: \$101,347,974**  
 (Reference Attached Stipulation)
  
4. The Board concurs with the Stipulation.

**ORDER:**

Respondent is ordered to reduce the 2016 actual value of the subject property, as set forth above.  
  
 The Fremont County Assessor is directed to change his/her records accordingly.

**DATED AND MAILED** this 21st day of July 2017.

**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.

*Christine Fontenot*

\_\_\_\_\_  
Christine Fontenot

*Debra A. Baumbach*

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Debra A. Baumbach



<b>Board of Assessment Appeals</b> <b>State of Colorado</b> 1313 Sherman Street, Room 315 Denver, CO 80203 Telephone: (303) 866-5820	2017 JUL 20 AM 10:45
<b>HOLCIM (US) INC.,</b>  Petitioner,  v.  <b>FREMONT COUNTY BOARD OF EQUALIZATION,</b>  Respondent.	<b>BOARD USE ONLY</b>
Brenda L. Jackson Fremont County Attorney 615 Macon Ave., Suite 211 Canon City, CO 81212 719.276-7499 fax: 719.276-7497 Attorney Registration #15172	Docket Number: 69099  County Schedule No: 71400 71401 71403  TAX YEAR: 2016
<b>STIPULATION AND SETTLEMENT AGREEMENT REGARDING PERSONAL PROPERTY APPEAL</b>	

Petitioner and Respondent hereby enter into this Stipulation regarding the tax year 2016 valuation of the subject personal 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. Actual value assigned to schedule number 71400:  
2016: \$1,639,066
2. Actual value assigned to schedule number 71401:  
2016: \$87,417,178
3. Actual value assigned to schedule number 71403:  
2016: \$12,291,730

4. The valuations, as established in this Stipulation, shall be binding only with respect to tax year 2016.
5. Nothing provided herein shall preclude either party from asserting for tax year 2017 or future tax years that the reported assets (including the reported maintenance and repair projects) are or are not taxable. The parties are also not precluded from asserting for tax year 2017 or future tax years that the actual value of the personal property should be determined in whole or in part by reference to the income or market approaches to valuation, or from asserting that functional or economic obsolescence does or does not exist or how those factors should be measured or determined.
6. The parties agree to use the three asset lists (Excel files named "71400 PP Asset Listing 2016.Final after Stip. 19 July 17.xls," "71401 PP Asset Listing 2016.Final after Stip. 19 July 17.xls," and "71403 PP Asset Listing 2016.Final after Stip.19 July 17.xls") provided by e-mail by counsel for Respondent to counsel for Petitioner on July 19, 2017 (including the acquisition costs and dates of acquisition of the assets on those lists) as the January 1, 2016 starting point for the cost approach analysis in future tax years.
7. Holcim agrees to provide, with its annual personal property declaration schedules each year, a list of all new capitalized assets and a list of any deletions or retirements from the asset lists, and a list of each new capitalized maintenance or repair project of \$100,000 or more that represents ten percent or more of the original cost of the repaired or maintained asset.
8. The parties agree that all tax years prior to tax year 2017 are closed for any refund/abatement claims or omitted property assessments with respect to business personal property.
9. The parties are agreeing to the actual values set forth in this Stipulation as a compromise of disputed issues, in order to avoid the necessity of further litigation with respect to those issues for tax year 2016. Neither party concedes any fact or legal issue involved in this appeal for future tax years, except as set forth herein.
10. Except as set forth herein, the parties agree this Stipulation has no effect on the value to be assigned to the personal property for any future tax year.
11. This stipulation affects only the personal property on the schedule numbers listed herein. Real property and natural resource valuations are not a part of this stipulation.
12. The parties agree that the hearing scheduled before the Board of Assessment Appeals on July 20, 2017 at 8:30 a.m. (4 hours per side) should be vacated.

DATED this 19<sup>th</sup> day of July, 2017.



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