

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket Number: 79661
Petitioner: SAN JUAN RESORTS LTD PARTNERSHIP v. Respondent: LA PLATA COUNTY BOARD OF EQUALIZATION	
ORDER ON STIPULATION	

THE PARTIES TO THIS ACTION entered into a Stipulation, which has been accepted 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.: R006563
Category: Valuation/Protest Appeal Property Type: Commercial
2. Petitioner is protesting the 2020 actual value of the subject property.
3. The parties agreed that the 2020 actual value of the subject property should be reduced to:

Total Value: \$7,867,105
(Reference Attached Stipulation)

4. The Board concurs with the Stipulation.

ORDER:

Respondent is ordered to reduce the 2020 actual value of the subject property, as set forth above.

The La Plata County Assessor is directed to change his/her records accordingly.

DATED this 23rd day of March 2021.

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

Martha Hernandez Sanchez

Martha Hernandez Sanchez



Board of Assessment Appeals State of Colorado 1313 Sherman Street, Room 315 Denver, CO 80203	
Petitioner: SAN JUAN RESORTS LTD PARTNERSHIP Respondent: LA PLATA COUNTY BOARD OF EQUALIZATION	<p style="text-align: center;">▲ BAA USE ONLY ▲</p>
<i>Attorneys for Respondent BoE:</i> Kathleen L Moore, #35988 La Plata County Attorney's Office 1060 East Second Ave., Suite 140 Durango, CO 81301 Phone No.: (970) 382-8600 Email: moore@lpcattorney.org Thomas E. Downey, Jr., #9686 DOWNEY & ASSOCIATES, PC 6855 S. Havana Street, Suite 600 Centennial, CO 80112 Phone No.: (303) 813-1111 Email: tom@downeylawpc.com	Docket No. 79661 Tax Year: 2020
AGREEMENT AND STIPULATION AS TO ACTUAL VALUE FOR TAX YEAR 2020	

Petitioner, San Juan Resorts LTD Partnership, and Respondent, the La Plata County Board of Equalization, hereby enter into this Agreement and Stipulation as to Actual Value for Tax Year 2020 ("Stipulation").

Petitioner and Respondent agree and stipulate as follows:

1. Petitioner is the record owner of the real property subject to this Stipulation (the "Subject Property"), which is described as follows:

Situs Address: 455 S. Camino Del Rio, Durango, CO 81303
 Assessor's Account No. R006563 / Parcel No. 5667-322-00-007

2. The Subject Property is classified as commercial property, and the La Plata County Assessor originally assigned the following actual value to the Subject Property for tax year 2020:

Improvements:	\$ 6,687,160.00
Land:	\$ 1,502,050.00
TOTAL	\$ 8,189,210.00

3. On or about July 20, 2020, Petitioner filed a Petition with Respondent, appealing the Assessor's Notice of Determination. Based upon findings and recommendations made by the independent referees appointed to hear the appeal, after evidence and testimony was taken at a hearing on July 29, 2020 Petitioner's appeal was denied by Respondent in August 2020.
4. On or about August 27, 2020, Petitioner's attorney filed a Petition to the State Board of Assessment Appeals appealing Respondent's denial.
5. At this time, rather than appear at a hearing, Petitioner and Respondent now wish to settle this matter according to the terms and conditions provided herein.
6. Pursuant to C.R.S. § 30-11-103, all powers of La Plata County, including the power to contract and settle claims, must be exercised by the Board of County Commissioners. Therefore, notwithstanding any other provision in this Stipulation to the contrary, the parties acknowledge, understand and agree that this Stipulation will not bind Respondent or be effective unless and until approved by the Board of County Commissioners, sitting as the Board of Equalization. If the Board of Equalization does not approve this Stipulation, it shall be null and void and of no further effect.
7. Once approved by the La Plata County Board of Equalization, Petitioner and Respondent agree that this Stipulation shall constitute a full and final settlement of this matter for tax year 2020, and that the following provisions shall apply:
 - a. Based on information presented by Petitioner to Respondent regarding this matter, and the subsequent inspection of the Subject Property by the La Plata County Assessor's Office, the parties agree that the actual value of the Subject Property for tax year 2020 shall be reduced to the following actual value:

Improvements:	\$ 6,365,055.00
Land	\$ 1,502,050.00
TOTAL	\$ 7,867,105.00
 - b. The Subject Property's actual value is being reduced for the following reasons: After the Assessor's Office was permitted to complete an inspection of the Subject Property in advance of the scheduled hearing, the La Plata County Assessor's Office and Respondent now believe that \$7,867,105.00 is a more accurate and reasonable valuation for tax year 2020 based on the condition of the Subject Property.
8. The parties jointly move and request that the Board of Assessment Appeals approve this stipulation, dismiss this matter with prejudice and cancel and vacate the hearing scheduled before the BAA on May 3, 2021. A copy of this Stipulation may be forwarded to the Board of Assessment Appeals to effectuate this joint motion and request.

9. Each person signing this Stipulation directly and expressly warrants and represents that he/she has been given and has received and accepted authority to sign and execute the documents on behalf of the party for whom it is indicated he/she has signed, and further has been expressly given and received and accepted authority to enter into a binding agreement on behalf of such party with respect to the matters concerned herein and as stated herein.
10. This Stipulation may be executed in counterparts. Facsimile and emailed signatures shall be binding as originals.

DATED this 23 day of March, 2021.

**SAN JUAN RESORTS LTD
PARTNERSHIP**

**LA PLATA COUNTY BOARD
OF EQUALIZATION**

By: _____
Thomas E. Downey, Jr., #9686
Attorney for Petitioner
On behalf of Petitioner



Marsha Porter-Norton, Chair

Attest: 

Clerk to Board

Approved as to form:

**LA PLATA COUNTY
ASSESSOR'S OFFICE**

Carrie Woodson, Assessor

**LA PLATA COUNTY
ATTORNEY'S OFFICE**

Kathleen L. Moore, #35988
Assistant County Attorney
1060 East Second Ave., Suite 140
Durango, CO 81301
Attorneys for Respondent



Agreement and Stipulation as to Actual Value for Tax Year 2020
Docket No. 79661

9. Each person signing this Stipulation directly and expressly warrants and represents that he/she has been given and has received and accepted authority to sign and execute the documents on behalf of the party for whom it is indicated he/she has signed, and further has been expressly given and received and accepted authority to enter into a binding agreement on behalf of such party with respect to the matters concerned herein and as stated herein.
10. This Stipulation may be executed in counterparts. Facsimile and emailed signatures shall be binding as originals.

DATED this 12th day of March, 2021.

**SAN JUAN RESORTS LTD
PARTNERSHIP**

**LA PLATA COUNTY BOARD
OF EQUALIZATION**

By: Thomas E. Downey, Jr.
Thomas E. Downey, Jr., #9686
Attorney for Petitioner
On behalf of Petitioner

Marsha Porter-Norton, Chair

Attest: _____
Clerk to Board

Approved as to form:

**LA PLATA COUNTY
ASSESSOR'S OFFICE**

Carrie Woodson
Carrie Woodson, Assessor

**LA PLATA COUNTY
ATTORNEY'S OFFICE**

Kathleen L. Moore
Kathleen L. Moore, #35988
Assistant County Attorney
1060 East Second Ave., Suite 140
Durango, CO 81301
Attorneys for Respondent

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of March, 2021, a true and correct copy of the foregoing **AGREEMENT AND STIPULATION AS TO ACTUAL VALUE FOR TAX YEAR 2020** was served upon Petitioner and Petitioner's agent as indicated below, as follows:

Thomas E. Downey, Jr.
DOWNEY & ASSOCIATES, PC
6855 S. Havana Street, Suite 600
Centennial, CO 80112
tom@downeylawpc.com
joy@downeylawpc.com
(Via Email)

and was served upon the Board of Assessment Appeals as follows:

Board of Assessment Appeals
1313 Sherman Street, Room 315
Denver, CO 80203
baa@state.co.us and dola_baa@state.co.us
(via email)



Gretchen Hinkle