Received
County Adminstration
7/7/2014

2014 REAL PROPERTY NOTICE OF DETERMINATION

CBOE # 2

Kristy McFarland
Gunnison County Assessor
221 N Wisconsin St, Suite A
Gunnison, CO 81230

Date of Notice: June 26, 2014
Phone: (970) 641-1085
Fax: (970) 641-7920
Email: assessor@gunnisoncounty.org
Website: http://www.gunnisoncounty.org/assessor.html

ACCOUNT NUMBER	TAX YEAR	TAX AREA	PARCEL NUMBER
R071341	2014	606	3177-030-00-053

PROPERTY OWNER	LEGAL DESCRIPTION
SPANN LEE ETAL 36781 US HIGHWAY 50 GUNNISON, CO 81230-9745	SPANN PARCEL BLK 1 GOTHIC #624794

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Vacant		27,310	27,310
TOTALS		$27,310	$27,310

The Assessor has carefully studied all the available information, giving particular attention to the specifics included on your protest. The Assessor's determination of value after review is based on the following:

- *The actual value of the property is determined by appropriate consideration of the approaches to appraisal set forth in § 39-1-103(5)(a), C.R.S.*

UNDER CASE LAW THE PROPERTY NEEDS TO BE GRAZED TO BE CLASSIFIED AS AGRICULTURAL. THIS PROPERTY IS NOT.

If you disagree with the Assessor's decision, you have the right to appeal to the County Board of Equalization for further consideration, § 39-8-106(1)(a), C.R.S.

The deadline for filing real property appeals is July 15.
The deadline for filing personal property appeals is July 20.

The Assessor establishes property values. The local taxing authorities (county, school district, city, fire protection, and other special districts) set mill levies. The mill levy requested by each taxing authority is based on a projected budget and the property tax revenue required to adequately fund the services it provides to its taxpayers. The local taxing authorities hold budget hearings in the fall. If you are concerned about mill levies, we recommend that you attend these budget hearings. Please refer to last year's tax bill or ask your Assessor for a listing of the local taxing authorities.

Please refer to the reverse side of this notice for additional information.

CBOE # 2

APPEAL PROCEDURES

County Board of Equalization Hearings will be held from July 1 through August 5 at Gunnison County Courthouse or Blackstock Government Center.

To appeal the Assessor's decision, complete the Petition to the County Board of Equalization shown below, and mail or deliver a copy of both sides of this form to:

Gunnison County Board of Equalization
200 E Virginia Ave
Gunnison, CO 81230
(970) 641-0248

To preserve your appeal rights, your Petition to the County Board of Equalization must be postmarked or delivered on or before **July 15 for real property** and on or before **July 20 for personal property** – after such date, your right to appeal is lost. You may be required to prove that you filed a timely appeal; therefore, we recommend that all correspondence be mailed with proof of mailing.

You will be notified of the date and time scheduled for your hearing. The County Board of Equalization must mail a written decision to you within five business days following the date of the decision. The County Board of Equalization must conclude hearings and render decisions by August 5, § 39-8-107(2), C.R.S. If you do not receive a decision from the County Board of Equalization and you wish to continue your appeal, you must file an appeal with the Board of Assessment Appeals by September 12, § 39-2-125(1)(e), C.R.S.

If you are dissatisfied with the County Board of Equalization's decision and you wish to continue your appeal, you must appeal within 30 days of the date of the County Board's written decision to ONE of the following:

Board of Assessment Appeals
1313 Sherman Street, Room 315
Denver, CO 80203
(303) 866-5880
www.dola.colorado.gov/baa

District Court
Contact the District Court in the county where the property is located. See your local phone book for the address and telephone number.

Binding Arbitration
For a list of arbitrators, contact the County Commissioners at the address listed for the County Board of Equalization.

If the date for filing any report, schedule, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day, § 39-1-120(3), C.R.S.

PETITION TO COUNTY BOARD OF EQUALIZATION

What is your estimate of the property's value as of June 30, 2012? (Your opinion of value in terms of a specific dollar amount is required for real property pursuant to § 39-8-106(1.5), C.R.S.)

$ 0 Owned by RMBL

What is the basis for your estimate of value or your reason for requesting a review? (Please attach additional sheets as necessary and any supporting documentation, i.e., comparable sales, rent roll, original installed cost, appraisal, etc.)

See Attached

ATTESTATION

I, the undersigned owner or agent* of the property identified above, affirm that the statements contained herein and on any attachments hereto are true and complete.

Signature: [illegible] Telephone Number: 970-641-1637 Date: 7/7/14

*Attach letter of authorization signed by property owner.

This parcel is a one acre tract, unfenced on three sides, located in Gothic. We have a grazing lease with Trampe Ranches on this land.

Trampe Ranches has the Forest grazing permit on all the Gothic area for approximately 500 hundred cow- calf pairs. These cattle are grazed in Gothic from July 5 until October 5. The range is divided into two segments; one below the old town of Gothic and the other above the town. The cattle are driven to the upper pasture about September 5. They are driven across Copper Creek on a trail below Judd Falls that joins trail 401 for access into Rustler Gulch, Bellview Mt., Wolverine and Virginia Basin.

When the cattle return to the lower portion, between September 25 and October 5, they are allowed to drift through the town of Gothic. It is during this drift that the use on our property occurs.

By October 1, RMBL is closed. There are only a few people left in Gothic to interfere with this drift. This parcel is not a fenced enclosure with livestock inside. It is a non fenced parcel with cattle drifting through for ten days. With 500 cow and calves drifting through for ten days, there is certainly enough use to justify agriculture classification for this property.

Polly and I have owned Block 37 in Gothic since 1961. This block adjoins the acre we presently own. Block 37 has always been classed agriculture. We negotiated a trade with RMBL, block 37 for the acre in question. This was done to facilitate the closing of the streets and alleys in Gothic by request of RMBL and ourselves. During the past year this was accomplished.

I would ask that the grazing lease be honored and this tract designated agricultural.

GOTHIC LOT

THIS LEASE AND INDENTURE, made and entered into this 3rd day of January 2014, by and between Trampe Ranches, the grazing lessee and Polly and Lee Spann, the landlord:

WITNESSTH, that for and in consideration of the payment of the rent as herein provided and the keeping and performance of this mutual terms, covenants hereafter provided, Spann hereby leases to Trampe Ranches and Trampe Ranches leases from Spann the following described real property situated in the County of Gunnison, State of Colorado to wit:

A parcel of land situated in a portion of the S1/2 NE1/4, Section 3, T135, R86W, 6th PM, also situated in a portion of Block 1, plat of Gothic city recorded 22 September 1879 at Reception No 1365, Gunnison County, State of Colorado. The boundry of said parcel shall be more particularly described as follows:

SEE ATTACHED.

To have and to hold the same, from the first day of January, 2014, until the first day of January, 2015.

The parties, in consideration of the mutual covenants and agreements herein contained, further agree as follows:

1. The initial term of this lease shall be for one year commencing January 1, 2014 and ending January 1, 2015 subject to continual renewal as hereinafter provided.

2. Rent for said lease shall be $25.00 (twenty-five dollars) annually, payable on or before January 1, 2015.

3. Said lease land is to be used for agricultural purposes. Trampe shall have the sole discretion to determine the class of cattle, number, season of use in connection with the Gothic Range and general management of this property for agricultural purposes.

4. Trampe shall assume all risk of loss or injury to its employees, equipment or its livestock during grazing and related uses on the leased land. Such assumed risk shall not include any loss or injury caused by the willful, wanton or intentional misconduct of Spann, his agents, officers, employees or guests.

5. Spann shall assume all risks for damages or injury to themselves, their agents, officers, employees, guests, or property from livestock or agricultural activities of Trampe on the lease premises. Such assumed risk shall not include any loss or damage caused by willful, wanton, or intentional misconduct of Trampe, its agents or employees.

6. At this expiration of the initial term of this lease, the lease shall renew on an annual basis on the same terms and conditions as herein contained unless either party notifies the other of its intentions to

CBOE # 2

EXHIBIT B
Page 2 of 2

cancel the lease. Thereafter, either party may terminate the lease by giving 90 days written notice to the other party of its intentions to cancel the lease.

7. All the terms, covenants, and agreements herein contained shall extend and inure to the benefit of and become binding upon the heirs, personal representatives, successors, partners, and assigns of the respective parties herein.

IN WITNESS WHEREOF, the parties herein have executed this lease and indenture this 4 day of Jan 2014.

LEE SPANN

TRAMPE RANCHES

POLLY SPANN

CBOE # 2

EXHIBIT C
Page 1 of 1

LAND DESCRIPTION – SPANN PARCEL – EXHIBIT "A"

A parcel of land situated in a portion of the S1/2 NE1/4, Section 3, T13S, R86W, 6th PM, also situated in a portion of Block 1, Plat of Gothic City recorded 22 September 1879 at Reception No. 1365, Gunnison County, State of Colorado. The boundary of said parcel shall be more particularly described as follows:

Commencing at the southeasterly corner of Block 3, Gothic City, witnessed by a found 1.5 inch iron pipe monument, thence S 59°37'44" E 133.14', more or less, to the northwesterly boundary corner of Lot 10, Block 1, Gothic City, also being a point on the northeasterly right-of-way line of Gunnison County Road No. 317, a.k.a. Gothic County Road, a.k.a. Main Street, the true point of beginning;

Thence the following eight (8) courses:
1) S 25°20'31" E a distance of 211.74' along the southwesterly boundary line of Block 1, Gothic City, also being the northeasterly right-of-way line of Gunnison County Road No. 317 to the thalweg of Copper Creek; thence
2) N 43°28'21" E a distance of 107.91' along the thalweg of Copper Creek; thence
3) N 78°23'51" E a distance of 137.26' along the thalweg of Copper Creek; thence
4) N 52°43'07" E a distance of 36.85' along the thalweg of Copper Creek to a point on the extension of the northeasterly boundary line of Block 1, Gothic City; thence
5) N 25°20'31" W a distance of 172.72' along the northeasterly boundary line of Block 1, Gothic City to the northeasterly corner of Lot 16, Block 1; thence
6) S 64°39'29" W a distance of 205.00' along the northwesterly boundary of said Lot 16 and Lot 9, Block 1; thence
7) N 25°20'31" W a distance of 25.00' to a point on the northwesterly boundary of Lot 10, Block 1; thence
8) S 64°39'29" W a distance of 65.00', more or less, along the northwesterly boundary of Lot 10, Block 1 to the point of beginning.

Said parcel includes that portion of the platted alley located adjacent to Lot 4 though Lot 9 and Lot 16 through Lot 21, Block 1, Gothic City, and extending to the thalweg of Copper Creek.

Basis of Bearing is based on an assumed bearing of N 25°20'31" W along the southwesterly right-of-way line of Gunnison County Road No. 317, a.k.a. Gothic County Road, between the said southeasterly corner of Block 3, Gothic City, witnessed by a found 1.5 inch iron pipe monument, and the southeasterly corner of Block 18, Gothic City, witnessed by a found 1 inch iron pipe monument.

Said Spann Parcel contains 1.07 acres, more or less.

County of Gunnison,
State of Colorado.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR STEPHEN LAWRENCE JESSOE 38048

3 December 2012

Date

Stephen L. Jessoe
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400, www.allcountysurvey.com

L + P Spann
36781 Hwy 50
Gunnison Co. 81230

CBOE # 2

Gunnison County Board of Equalization
200 E. Virginia Ave
Gunnison, Co. 81230

RECEIVED
JUL - 7 2014
1:50 pm BN
COUNTY ATTORNEY
Handdelivered

Gunnison County
COLORADO

Gunnison County Administration
Phone: (970) 641–0248 • Fax: (970) 641–3061
www.GunnisonCounty.org

July 14, 2014

CBOE # **0002**

SPANN LEE ETAL
36781 US HIGHWAY 50
GUNNISON CO 81230-9745

Schedule Number: **R071341**
Parcel Number: **3177-030-00-053**
Property Description: **SPANN PARCEL BLK 1 GOTHIC #624794**

Dear Property Owner,

The Gunnison County Board of Equalization will hear your petition of protest on the valuation for assessment of your property on **Wednesday, July 23, 2014** at ~~**8:45 AM**~~ 10:15am.
The hearing will be held in the:
Planning Commission meeting room, located in the Blackstock Government Center at 221 N. Wisconsin St. Gunnison, CO 81230

Please read the following information carefully. You may appear before the Board in person, via telephone conference call, appear with your representative, or have your representative appear on your behalf. **If you plan to be represented by someone other than yourself at your hearing, please submit a letter of agency signed by you** to Bobbie Lucero by email at Blucero@gunnisoncounty.org, or by fax at 970-641-3061. **Please contact Bobbie prior to the hearing date to make a special request for a phone conference, if needed.**

1. You may submit your case in written form and waive a personal appearance before the Board. If your information is submitted in this manner, the Board will make a determination after reviewing the petition, any written evidence that has been provided, and after allowing the Assessor to give testimony and submit exhibits.

2. Upon your written request to the Assessor's Office at 221 N Wisconsin Street, Gunnison Colorado 81230, phone number 970-641-1085, the Assessor is required to make available to you, three (3) working days after receiving the request, all data supporting the valuation. Your request must be accompanied by your information supporting your valuation. This disclosure does not prohibit the introduction of additional data at the hearing discovered as a result of the exchange of the information.

3. Please provide one copy of the documentation that you plan to submit at the hearing, AND any documentation that has been provided to the Assessor's Office, by 8:00 am, two (2) business days prior to the hearing date of **Wednesday, July 23, 2014** to permit the exhibits to be presented to the Board. Please bring, or have delivered, such documentation to the County Administration Office located at 200 E. Virginia Avenue, Suite 104, Gunnison, Colorado. This documentation may also be faxed to 970-641- 3061, or email to Blucero@gunnisoncounty.org. If you must bring additional documentation to the hearing, please bring five (5) copies of each document.

4. Because of the volume of cases before the Board of Equalization, all hearings scheduled are final and cannot be rescheduled. Hearings will go before the board in your absence. The Board will carefully consider all data submitted. If you cannot attend the hearing scheduled for you above, please contact Bobbie Lucero at 970-641-7600.

Sincerely,

Bobbie Lucero
Clerk to the Board of Equalization

2014
Gunnison County Board of Equalization:
Hearing #0002

The Gunnison County Assessor's Office has been asked to communicate the assignment results for a single property that was appraised as part of our mass appraisal assignment.

The Uniform Standards of Professional Appraisal Practice (USPAP) defines mass appraisal as: the process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing.

The comparable sales used for Gunnison County's mass appraisal can be viewed on the Gunnison County web site (www.gunnisoncounty.org).

For the purposes of the mass appraisal, market value is defined as quoted:

> "Market value is the most probable price, expressed in terms of money, that a property would bring if exposed for sale in the open market in an arm's-length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which it is capable of being used." – Property Assessment Valuation, 1996, IAAO

Vacant land is valued by considering the cost, market and income approaches.

For the 2014 property tax year, the effective appraisal date is June 30, 2012, as required by §39-1-104(10.2)(a)(d), Colorado Revised Statutes.

The following page(s) will characterize the petitioner's property and compare it to a few examples selected from the "Economic Area 8 Vacant Land Sales" list.

The single property being characterized for this hearing is identified as:

Property Owner: **SPANN LEE ETAL**
Account Number: **R071341**
Parcel Number: **3177-030-00-053**
Legal Description: **SPANN PARCEL BLK 1 GOTHIC**
Value: **$27,310**

Gunnison County Assessor Land Sales
Comparables Summary

Owner: SPANN LEE ETAL

36781 US HIGHWAY 50

LEA: 80080

ACCOUNT #: **R071341**

NBHD: **NBHDEXT:**

PARCEL #: **317703000053**

Econ. Area: ECONAREA

	Subject	Comp 1	Comp 2
Account Information			
Account #	R071341	R030980	R007272
Parcel #	317703000053	325303012005	342707430003
Improved/Vacant	No	Vacant	Vacant
Inventory Effective Date		1/1/2013	1/1/2010
Land Abstract Code	0100	0100	0100
Land Abstract Description	VACANT RES LOTS	VACANT RES LOTS	VACANT RES LOTS
Land Certification Code			
Zoning	NONE	NONE	NONE
Location Information			
Property Type			
Address	8000 COUNTY ROAD 317	7TH ST	
City	GOTHIC	IRWIN	TINCUP
County Code	GUNNISON		
Size Comparison			
Total Acres	1.07	1.225482	0.071740
Total SF	46609.20	53382	3125
Total FF	0	0	0
Number of Buildings	0	0	0
Sales Comparison			
Sale Price		$71,000	$9,000
Adjusted Sale Price		$71,000	$9,000
Time Adj Sale Price		$64,752	$6,876
Account Adj Sale Price		$64,752	$6,876
Confirmed		Confirmed	Confirmed
Valid/Invalid		Valid	Valid
Exclude Reason			
Nbhd Comparison			
Nbhd			
Nbhd Ext			
LEA	80080	81600	80410

Value Summary	**Subject**	**Comp 1**	**Comp 2**
Sale Date		9/10/2010	8/23/2007
TASP $/SF		$1.21	$2.20

Total Account Value $27,310 $0.59 PER SQFT

STATUTORY REFERENCES

Agricultural land is defined in Colorado statutes as follows:

Definitions

(1.6)(a) "Agricultural land", whether used by the owner of the land or a lessee, means one of the following:

(I) (A) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, that was used the previous two years and presently is used as a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, or that is in the process of being restored through conservation practices. Such land must have been classified or eligible for classification as "agricultural land", consistent with this subsection (1.6), during the ten years preceding the year of assessment. Such land must continue to have actual agricultural use. "Agricultural land" under this subparagraph (I) shall not include two acres or less of land on which a residential improvement is located unless the improvement is integral to an agricultural operation conducted on such land. "Agricultural land" also includes the land underlying other improvements if such improvements are an integral part of the farm or ranch and if such other improvements and the land area dedicated to such other improvements are typically used as an ancillary part of the operation. The use of a portion of such land for hunting, fishing, or other wildlife purposes, for monetary profit or otherwise, shall not affect the classification of agricultural land. For purposes of this subparagraph (I), a parcel of land shall be "in the process of being restored through conservation practices" if: The land has been placed in a conservation reserve program established by the natural resource conservation service pursuant to 7 U.S.C. secs. 1 to 5506; or a conservation plan approved by the appropriate conservation district has been implemented for the land for up to a period of ten crop years as if the land has been placed in such a conservation reserve program.

GENERAL WARRANTY DEED

13-03-017

THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT GOTHIC, a Colorado non-profit corporation (Grantor), for Ten Dollars and other good and valuable consideration, has granted, bargained, sold and conveyed, and, by these presents, does grant, bargain, sell, convey and confirm, unto **LEE L. SPANN and POLLY M. SPANN**, as joint tenants, whose legal address is 36781 Highway 50, Gunnison, Colorado, 81230 (Grantees), the following real property:

See **Exhibit A** attached hereto and incorporated herein by reference (Property)

TOGETHER with all its appurtenances and warrants the title to the same, **subject to** any and all reservations, exceptions and rights of way as reserved in the United States Patent recorded in Book 45 at Page 292; any easements, notes, reservations and recitals as set forth on the Plat of Gothic City, recorded September 22, 1879 at Reception No. 1365, and the Plat of Gothic City Colo., also known as the First Edition to the City of Gothic, recorded July 29, 1880 at Reception No. 3495; the terms, conditions, obligations, reservations, covenants, easements and agreements as contained in the Easement Agreement recorded 12/18/13 at Reception No. 624795, and in the Utility Easement Agreement recorded 12/18/13 at Reception No. 624796; real property taxes for the year 2013 and subsequent years which are the responsibility of the Grantees; and subject to the provisions on **Exhibit B** attached hereto and incorporated herein by reference.

Subject to the current location of the split rail fence located along the west boundary of the Property between the Property and Gunnison County Road No. 307. Said fence may remain in its current location subject to the following conditions:

Grantor waives any legal or equitable rights it may have now or in the future to an adverse possession claim, or any other claim, to that part of the Property which is located west of the fence;

Grantor will relocate the fence in the future if requested by Grantees provided that it can be relocated to a new location mutually agreeable to Grantor and Grantees which is sufficient to fence livestock out of property owned by Grantor and the Property;

If the fence is relocated to a location which remains on the Property and separates one part of the Property from another part of the Property, Grantor will construct gates

317
© 2014 Google
Google e