Received
County Adminstration
7/18/13

CBOE # 94

2013 REAL PROPERTY NOTICE OF DETERMINATION

Gunnison County
COLORADO

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

Date of Notice: June 18, 2013
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
R043124	2013	400	2917-263-08-006

PROPERTY OWNER	LEGAL DESCRIPTION
MARBLE LOT 3 LLC C/O DART TRANSIT COMPANY BRAD OREN PO BOX 64110 ST PAUL, MN 55164-0110	LOT 3 MARBLE INSTITUTE OF COLORADO #550441

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Vacant		241,850	241,850
TOTALS		$241,850	$241,850

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.

Sales from Pitkin County were analyzed and they support the assigned value.

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.

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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.)

$ 33,485.66

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.)

Please see the attached letter.

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	Telephone	Number Date
	651-683-1878	07-12-2013

*Attach letter of authorization signed by property owner.

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EXHIBIT A
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ADVANTAGE MANAGEMENT CORPORATION

800 Lone Oak Road, Eagan, MN 55121 • Mailing Address: P.O. Box 64110, St. Paul, MN 55164-0110 • 651-688-2000 • 800-366-9000

July 12, 2013

Sent Via Federal Express
Gunnison County Board of Equalization
200 East Virginia Avenue
Gunnison, CO 81230

Re: Property Tax Appeals
Property Schedule #: R043124
Property Owner: Marble Lot 3, LLC
Tax Year: 2013
Agent Authorization

Dear Honorable Board Members:

This letter is to serve as authorization for Mr. Doug Grawe or Mr. Brad Oren to act as agent on behalf of Marble Lot 3, LLC in regards to the above-referenced property tax appeal.

Should you have any questions or concerns I can be reached at 651-683-1667, or via mail at PO Box 64110, St. Paul, MN 55164.

Kind regards,

Brad Oren

Brad Oren
President, on behalf of
Marble Lot 3, LLC

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EXHIBIT B
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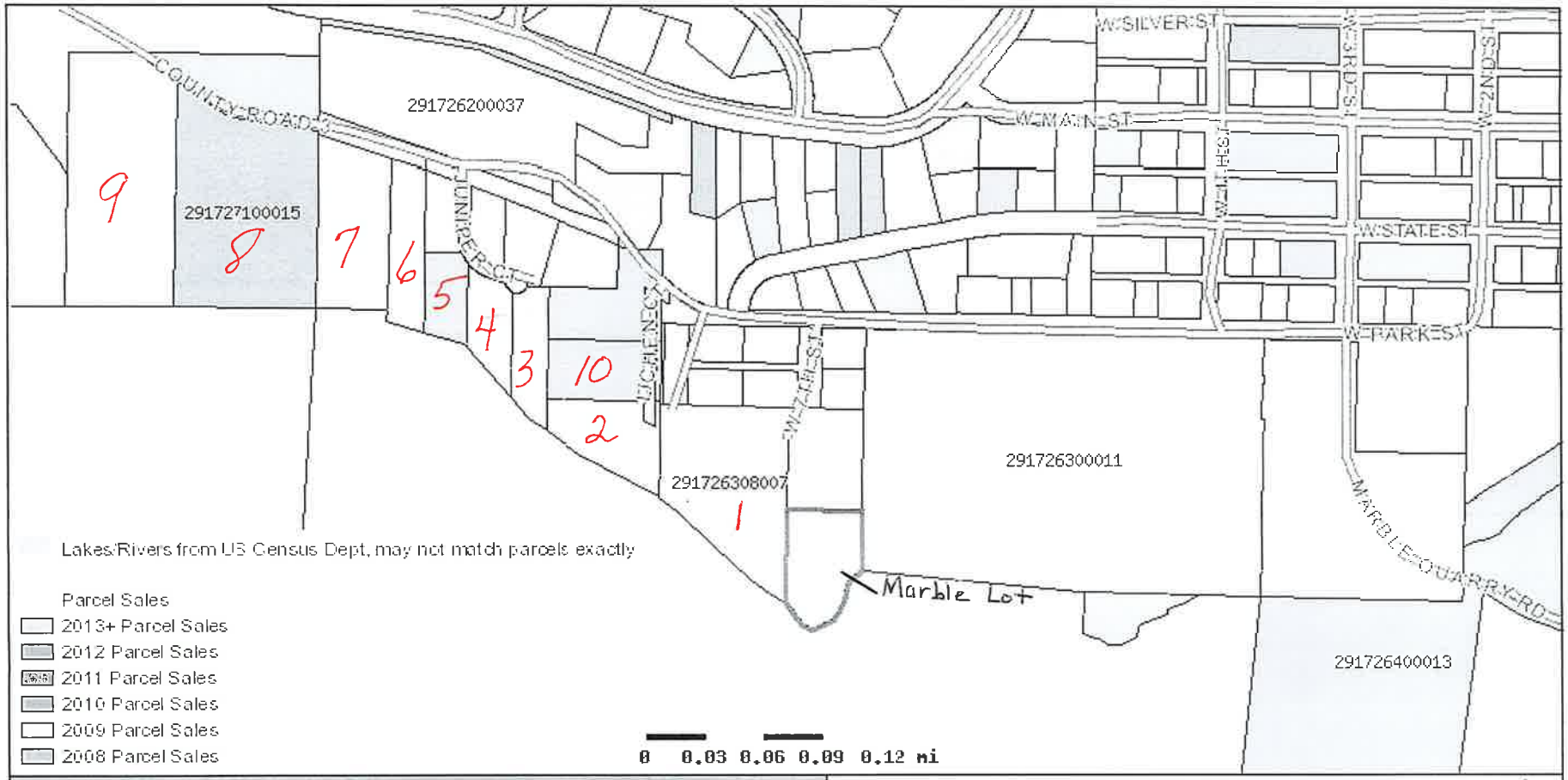

Marble Lot Comparables			
Parcel: 291726308006 Acres: 1.30			
Name:	MARBLE LOT 3 LLC C/O DART TRANSIT COMPAN	Land Value	107500
Site:	, MARBLE	Building Value	0
Sale:	0 on 2005-01-13 Reason= Qual=	Assessed Value	31180
Mail:	PO BOX 64110 ST PAUL, MN 55164-0110	Total Value	107500
			0
			0
			0

The Gunnison County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER GUNNISON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 07/12/13 : 17:13:17

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EXHIBIT C
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ADVANTAGE MANAGEMENT CORPORATION

800 Lone Oak Road, Eagan, MN 55121 • Mailing Address: P.O. Box 64110, St. Paul, MN 55164-0110 • 651-688-2000 • 800-366-9000

July 12, 2013

Sent Via Federal Express
Gunnison County Board of Equalization
200 East Virginia Avenue
Gunnison, CO 81239

RE: Property Tax Appeal
Property Account # R043124
Property Owner: Marble Lot 3, LLC
Tax Year: 2013

Dear Honorable Board Members:

This letter is intended to support the property tax appeal of Marble Lot 3, LLC with respect to Property Account # R043124 (the "Marble Lot"). Tax assessments are supposed to be based on what the fair market value is for the property. The Marble Lot is being assessed based on property values well beyond what the local market would bare. The local market would not bare a "Land Actual Value" of $241,850. It appears the assessor's statement is that Marble Lot could be sold today for more than $240,000; however it doesn't appear the assessor has considered the significant limitations inherent to Marble Lot, nor does it appear the assessor believes Marble Lot's neighbors could sell their properties at the same levels as Marble Lot. Instead the assessor stated that Marble Lot is more comparable to the ski resort areas to the north in Pitkin County. That is akin to comparing Brooklyn property values to Manhattan property values.

Comparing Marble Lot's assessment value to its neighbors, contrasting recent sales of comparable properties, considering the neighboring Marble Institute's noise and dust disruptions, and taking into account the very real zoning limitations on Marble Lot, Marble Lot's assessment is grossly overestimated.

1. **Neighbor Assessment and Recent Sales**

The need to bring this appeal arose when we noticed the assessed actual value of the Marble Lot has **increased 125%** from 2012 to 2013.

Marble Lot

Account #	Acres	AV 2012	AV Per Acre 2012	AV 2013	AV per Acre 2013	Δ AV Per Acre
R043124	1.300	$31,180.00	$23,984.62	$70,140.00	$53,953.85	$29,969.23

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EXHIBIT C
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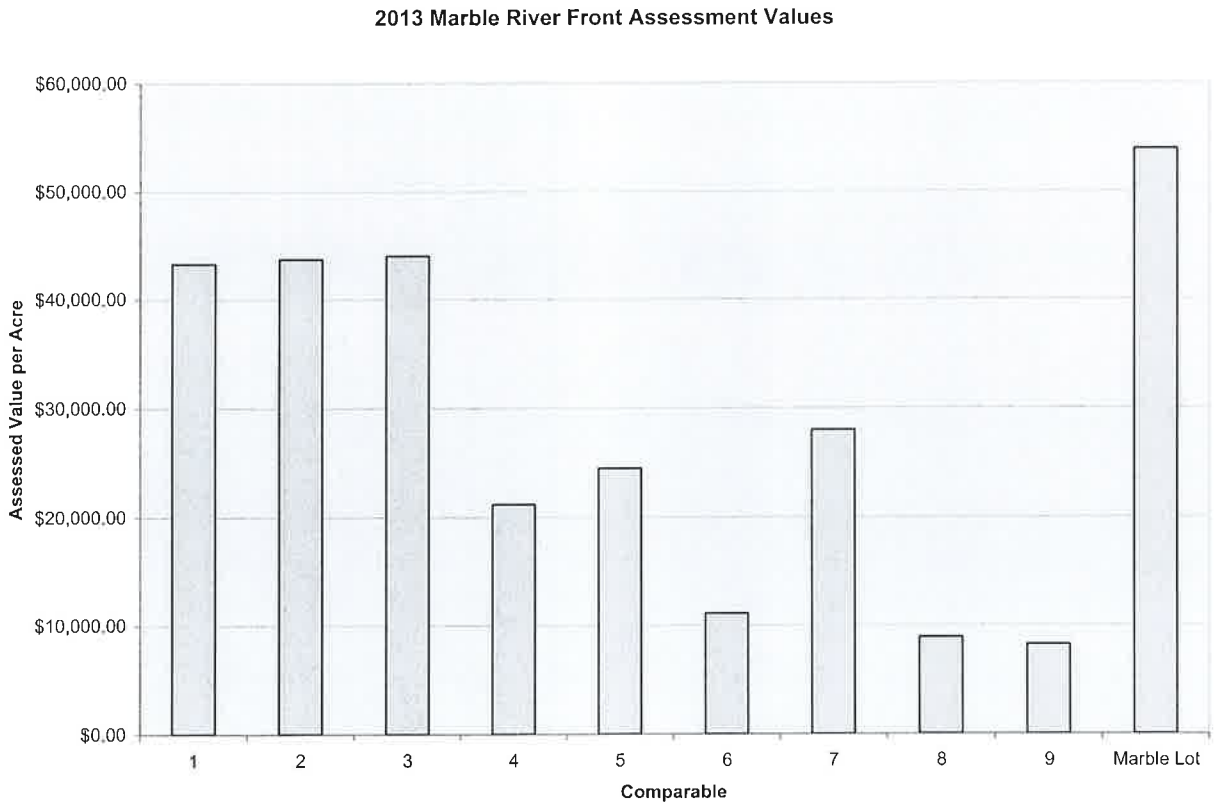
Percentage Increase in Actual Value = ((Actual Value 2013 - Actual Value 2012) ÷ Actual Value 2012) × 100 **125%**

Once we saw that we looked at the neighboring properties to determine what value they were being assessed at in 2013. We have included a map showing each comparable property to Marble Lot in the area. Here is a table showing the per acre assessment value for 9 properties neighboring Marble Lot, each with frontage along the Marble River.



It should be noted that Comparable Property 5 sold in 2012 for $40,000 ($64,100 per acre) and Comparable Property 8 sold in 2011 for $150,000 ($31,500 per acre). Marble Lot is 1.3 acres, so based on the assessor's Land Actual Value Marble Lot should sell in 2013 for approximately $184,600 per acre. Marble Lot is unlikely to sell for that kind of money when it appears that properties along the same river have sold more than $100,000 per acre less than that. Even if Marble Lot were considered to have more river frontage than other properties in the chart above, the drop from Marble Lot down to the actual river is considerable, and does not lend itself to as much enjoyment of the river as potential buyers in the area would likely prefer.

Instead of comparing Marble Lot's potential value in a sale to Pitkin County's significantly higher property values, Marble Lot should be compared to R004187 (Comparable 10 on the map – sold in 2010) which according to the County's Subdivision Study for sales on the Marble River has a time adjusted sale price of $90,000.[1] The County claims that if adjusted from a meadow price to a river price the property would sell for $270,000, yet the County is only assessing the property for tax purposes at $26,100

[1] The actual sale price is not available online.

($24,645.89 per acre). How can Marble Lot then be assessed at $53,953.85 per acre, or 119% higher per acre?

2. **Marble Institute**

Moreover, there are unique circumstances that negatively impact the value of Marble Lot. Marble lot has little, if any, ski-related value. Ski value is a primary driving force of the higher valued properties in the area. Marble Lot's use is maximized during the summer months. The county even describes the property as a seasonal property. Since the value isn't ski-related, its enjoyment comes in the summer months. Unfortunately, during the summer months the adjacent Marble Institute hosts marble carving symposiums which last a majority of the summer. These sculpting symposiums attract sculptors who carve and cut stone with tools that lead to excessive, loud, uncomfortable noise, dust, and debris in what is zoned as a residential neighborhood. Considering the noise, dust and debris from the activities at the symposium are nearly constant throughout much of the summer, enjoying the property would be difficult at best for any homeowner. Such activities are akin to a construction site next door all summer long. This would certainly interfere with any homeowner's enjoyment and will decrease the amount anyone would be willing to pay for the property.

3. **Restrictive Nature of Zoning Ordinances**

Finally, the local zoning restrictions, setback requirements and pervious ground requirements are so restrictive that any home can only be constructed at limited points on the property. Any home constructed on the property must be set back from the river more than 100 feet, as well as set back from property lines. Building a house also would require a septic system and local regulations require a significant drainage field. That field must be pervious and cannot have a structure on it. The size of the drainage field along with the set back requirements essentially force the property into the less desirable areas of the property, and the most practical location would be the northeast corner of the property. Building a home on the northeast corner of the property significantly cuts off the view of the river, placing the house at one of the least desirable parts of the property with a poor view of the river. This restricts any potential homeowner from fully enjoying the presence of the river. If a riverfront property is going to be assessed a higher value, a homeowner should be able to enjoy the aspects of the property that supposedly warrant the assessment – these aspects cannot be enjoyed at Marble Lot because any home must be set back and situated in such a way that the views would be limited at best. Limiting the best use of the property undoubtedly limits the amount anyone would pay for the property.

Conclusion

Marble Lot should be assessed based on a value the market would support if Marble Lot were sold, and the values of its neighboring properties. The 2013 average per acre assessment value of the neighboring properties, including the neighboring property sold in 2010, is $25,758.20. The highest comparable 2013 assessment per acre value is $44,027.78. However that comparable is not next door to the Marble Institute with its near constant noise, dust, and debris during the summer months, nor does its layout significantly restrict its building options. Marble Lot should be assessed based on the average assessment values of its neighboring properties, and if it is assessed at that level, Marble Lot's 2013 assessment should be **$33,485.66**, not $70,140. The fact is the current market, and the market in 2012, did not and does not support anyone buying Marble Lot for $184,600 per acre. We therefore respectfully request a reduction in the assessment value.

We respectfully request that the Board hold open the record for this appeal pending an appraisal we have commissioned for the property that is set for completion in July of 2013, as well as further evidence of the impact the Marble Institute has on Marble Lot.

Respectfully submitted,

Doug C. Grawe
On behalf of Marble Lot 3, LLC

CERTIFIED MAIL™

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07/15/2010

Mailed From 81612

US POSTAGE

CBOE # 04

Gunnison County Board of Equilization
200 E Virginia Avenue
Gunnison, CO 81230

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