## BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO

1313 Sherman Street, Room 315 Denver, Colorado 80203

Petitioner:

CCA PROPERTIES OF AMERICA, LLC,

v.

Respondent:

KIT CARSON COUNTY BOARD OF EQUALIZATION.

## ORDER ON STIPULATION

Docket Number: 52515

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.: 36500003

Category: Valuation Property Type: Commercial Real

- 2. Petitioner is protesting the 2009 actual value of the subject property.
- 3. The parties agreed that the 2009 actual value of the subject property should be reduced to:

**Total Value:** 

\$60,000,000

(Reference Attached Stipulation)

4. The Board concurs with the Stipulation.

## **ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property, as set forth above.

The Kit Carson County Assessor is directed to change his/her records accordingly.

**DATED AND MAILED** this 19th day of October 2010.

**BOARD OF ASSESSMENT APPEALS** 

Karen E. Hart

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Cara McKeller

Debra A. Baumbach

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BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO	2010 OCT 13 AM11: 49
BAA Address: 1313 Sherman Street Room 315 Denver, CO 80203	
Petitioner: CCA PROPERTIES OF AMERICA, LLC,	
vs.	
Respondent:	
KIT CARSON COUNTY BOARD OF EQUALIZATION,	^COURT USE ONLY^
ATTORNEY FOR RESPONDENT:	DOCKET NO. 52515
Wade H. Gateley, Esq.	COUNTY SCHEDULE NO.
ounty Attorney, Kit Carson County	36500003-R
ddress: 366 14 <sup>th</sup> Street	
P.O. Box 266	
Burlington, CO 80807	1
(719) 346-5427 Fax: (719) 346-5453	
Atty. Reg #: 12284	
STIPULATION (AS TO TAX YEARS 2009 AND 2010 ACTUAL VALUE)	

COME NOW The Petitioner, CCA Properties of America, LLC, by and through its undersigned attorney, Kenneth S. Kramer of Berenbaum Weinshienk PC and the Respondent, Kit Carson County Board of Equalization, by and through its undersigned attorney, Wade H. Gateley, and hereby enter this Stipulation regarding the tax years 2009 and 2010 valuation of the subject 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. The property subject to this Stipulation is described as: Tract #3, Burlington CCA Annex Unplatted, Burlington, Colorado, also known as the Kit Carson Correctional Center, 49777 County Road V, Burlington, Colorado 80807, and 65 acres of agricultural land, located in Kit Carson County, Colorado.
- 2. The subject property is classified as commercial property, and

agricultural land.

The County Assessor originally assigned the following actual value to the subject property for tax year 2009:

> Agricultural land \$5915.00 Improved Commercial Land \$40,930.00 Commercial Improvements \$69,953,155.00 \$70,000,000.00 Total

4. After a timely appeal to the Board of Equalization, the Board of Equalization valued the subject property as follows:

> Agricultural land \$5915.00 Improved Commercial Land \$40,930.00 Commercial Improvements \$69,953,155.00 \$70,000,000.00 Total

5. After further review and negotiation, the Petitioner and the County Board of Equalization agree to the following tax year 2009 actual value for the subject property:

> Agricultural land \$5915.00 Improved Commercial Land \$40,930.00 Commercial Improvements \$59,953,155.00 Total \$60,000,000.00

- 6. The valuation, as established above, shall be binding for tax year 2009 and tax year 2010.
- 7. Brief narrative as to why the reduction was made: Both parties have contacted an expert witness to appraise the property, and have into account prior appraisals and prior negotiated settlements. The parties agreed to accept a negotiated valuation amount, taking into account the valuations discussed with expert witnesses and prior settlements.
- 8. No hearing date has been scheduled in this matter.
- 9. Both parties agree that the Board of Assessment of Appeals shall enter an Order as stated above in this Stipulation.

Dated this 30 day of September, 2010.

KENNETH S. KRAMER, ESQ.

By: Kenneth S. Kramer, Esq.

Attorney for Petitioner

Berenbaum Weinshienk PC 370 17<sup>th</sup> Street, Suite 4800 Denver, CO 80202-5698 Telephone: (303) 825-0800

WADE H. GATELEY

By: Wade H. Gateley #12284

County Attorney for Respondent

Kit Carson County Board of Equalization

P.O. Box 266

Burlington, CO 80807

(719) 346-5427

ABBEY J. MULLIS

By: Abbel J. Mullis

Kit Carson County Assessor 251 16<sup>th</sup> Street, Suite 102 Burlington, CO 80807

(719) 346-8946