

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket Number: 54478
Petitioner:  <b>BACHELOR GULCH PROPERTIES, LLC,</b>  v.  Respondent  <b>EAGLE COUNTY BOARD OF COMMISSIONERS.</b>	
<b>ORDER RESCINDING ORDER ON WITHDRAWAL</b>	

On September 19, 2011 the Board of Assessment Appeals issued an Order on Withdrawal in error.

**ORDER:**

The Order on Withdrawal dated September 19, 2011 is hereby rescinded.

**DATED and MAILED** this 23rd day of September, 2011.

**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.

*Cara McKeller*

\_\_\_\_\_  
Cara McKeller

*Debra A. Baumbach*

\_\_\_\_\_  
Debra A. Baumbach



<b>BOARD OF ASSESSMENT APPEALS</b> <b>STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, CO 80203	Docket Nos. 54478 and 55021
<b>Petitioners:</b>  <b>BACHELOR GULCH OPERATING COMPANY, LLC</b> <b>AND BACHELOR GULCH PROPERTIES, LLC</b>  <b>Respondent:</b>  <b>EAGLE COUNTY BOARD OF COMMISSIONERS</b>	
Attorney for Petitioner: F. Brittin Clayton III, #15940 Ryley Carlock & Applewhite 1999 Broadway, Suite 1800 Denver, CO 80202 303-813-6713 <a href="mailto:belayton@rcalaw.com">belayton@rcalaw.com</a>	
<b>PETITIONER BACHELOR GULCH OPERATING COMPANY, LLC'S          MOTION TO REINSTATE APPEAL IN DOCKET NO. 54478</b>	

Petitioner Bachelor Gulch Operating Company, LLC, through its counsel, Ryley Carlock & Applewhite, submits this Motion to Reinstate Appeal in Docket No. 54478.

This proceeding is (was) a consolidation of two appeals. The first appeal, Docket No. 54478, concerns the main Bachelor Gulch Ritz-Carlton Hotel operating unit, Assessor's Schedule No. R60016, which is owned by Petitioner Bachelor Gulch Operating Company, LLC.

The second appeal, Docket No. 55021, concerns 30 residential condominiums with Assessor's Schedule Nos. R059510 +29, which are owned by Petitioner Bachelor Gulch Properties, LLC.

On September 9, 2011, Petitioner Bachelor Gulch Properties, LLC moved to dismiss its appeal, Docket No. 55021, because it does not seek a reduction in the assessed value of Schedule Nos. R059510 +29. The Motion to Dismiss stated:

**This Motion does not include and is not intended to affect Petitioner Bachelor Gulch Operating Company, LLC's appeal in Docket No. 54478, which should be set for an evidentiary hearing as previously requested.**

(Emphasis in original.)

On September 19, 2011, the Board issued two Orders on Withdrawal granting Petitioners' request to withdraw *both* Docket No. 55021 *and* Docket No. 54478. It appears that this was a clerical error, as the Motion to Dismiss was specifically limited to Docket No. 55021, and it specifically excluded Docket No. 54478. Petitioner Bachelor Gulch Operating Company, LLC's did *not* withdraw its appeal in Docket No. 54478, and it requested that appeal to be set for an evidentiary hearing as previously requested.

There is no basis in the record for dismissing Petitioner Bachelor Gulch Operating Company, LLC's appeal in Docket No. 54478. As noted in Petitioners' Brief Regarding the Effect of Prior Proceedings dated May 25, 2011, Docket No. 54478 is properly before this Board and should be set for an evidentiary hearing. Petitioner Bachelor Gulch Operating Company, LLC never requested to withdraw its appeal in Docket No. 54478.<sup>1</sup>

WHEREFORE, Petitioner Bachelor Gulch Operating Company, LLC requests this Board to reinstate the appeal in Docket No. 54478, hold that the Board has jurisdiction to decide this appeal, and set Docket No. 54478 for an evidentiary hearing.

Dated this 22<sup>nd</sup> day of September, 2011.

RYLEY CARLOCK & APPLEWHITE



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F. Brittin Clayton III  
Attorneys for Petitioners


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<sup>1</sup> On March 14, 2011, Petitioners' consultant, Duff & Phelps, filed a request to withdraw the appeal in Docket No. 54478 for tax year 2008 only, but to keep the appeal open for 2007. It does not appear that is the source of the present confusion, but we mention that fact for the sake of completeness.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of September, 2011, a true and correct copy of the foregoing **PETITIONER BACHELOR GULCH OPERATING COMPANY, LLC'S MOTION TO REINSTATE APPEAL IN DOCKET NO. 54478** was placed in the U.S. Mail, postage prepaid addressed to the following:

Christina Hooper  
Assistant County Attorney  
500 Broadway  
P.O. Box 3192  
Eagle, CO 81613

  
\_\_\_\_\_  
Ann I. Palius

**RECEIVED**  
SEP 21 2011

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket Number <b>RC&amp;A 4478</b>
Petitioner: <b>BACHELOR GULCH PROPERTIES, LLC,</b>	
v.	
Respondent: <b>EAGLE COUNTY BOARD OF COMMISSIONERS.</b>	
<b>ORDER ON WITHDRAWAL</b>	

The Board received Petitioner's request to withdraw the above-captioned appeal on September 9, 2011. The Board has approved Petitioner's request.

**FINDINGS OF FACT AND CONCLUSIONS:**

1. Subject property is described as follows:  
**County Schedule No.: R053784**  
**Category: Abatement      Property Type: Commercial Real**
2. Petitioner is protesting the 07-08 actual value of the subject property.

**ORDER:**

Petitioner's request for withdrawal is granted; therefore, the Board will take no further action on this matter.

DATED AND MAILED this 19th day of September 2011.

BOARD OF ASSESSMENT APPEALS

*Diane M. DeVries*

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Diane M. DeVries

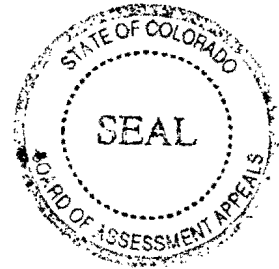
I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

*Debra A. Baumbach*

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Debra A. Baumbach

*CM*

\_\_\_\_\_  
Cara McKeller



<b>BOARD OF ASSESSMENT APPEALS STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, CO 80203	Docket Nos. 54478 and 55021
<b>Petitioners:</b>  <b>BACHELOR GULCH OPERATING COMPANY, LLC AND BACHELOR GULCH PROPERTIES, LLC</b>  <b>Respondent:</b>  <b>EAGLE COUNTY BOARD OF COMMISSIONERS</b>	
Attorney for Petitioner: F. Brittin Clayton III, #15940 Ryley Carlock & Applewhite 1999 Broadway, Suite 1800 Denver, CO 80202 303-813-6713 <a href="mailto:bcclayton@rcalaw.com">bcclayton@rcalaw.com</a>	
<b>PETITIONER BACHELOR GULCH PROPERTIES, LLC'S MOTION TO DISMISS APPEAL NO. 55021</b>	

Petitioner Bachelor Gulch Properties, LLC, through its counsel, Ryley Carlock & Applewhite, submits this Motion to Dismiss Appeal No. 55021.

This proceeding is a consolidation of two appeals. The first appeal, Docket No. 54478, concerns the main Bachelor Gulch Ritz-Carlton Hotel operating unit, which is denominated as Unit H1 in the plat of the Hotel and as Schedule No. R60016 in the Assessor's records. Unit H1 has been owned at all relevant times by Petitioner Bachelor Gulch Operating Company, LLC.

The second appeal, Docket No. 55021 concerns the value of 73 hotel rooms that were converted into 30 residential condominiums during 2007. Prior to the condominium conversions, these rooms were part of Unit H1 and were owned by Petitioner Bachelor Gulch Operating Company, LLC. As a result of the conversions, the new condominiums are designated as Units HS310 etc. in the Declaration for the Hotel, and are given Schedule Nos. R059510 +29 in the Assessor's records. As of the January 1, 2008, tax due date, these Units were owned by Petitioner Bachelor Gulch Properties, LLC.

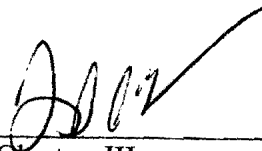
As noted in Petitioners' Brief Regarding the Effect of Prior Proceedings dated May 25, 2011, Petitioner Bachelor Gulch Properties, LLC has determined that it should voluntarily withdraw its appeal in Docket No. 55021. Undersigned counsel apologizes for the delay in filing this Motion. Dismissal of Appeal No. 55021 is appropriate because Petitioner Bachelor Gulch Properties, LLC does not seek a reduction in the assessed value of Schedule Nos. R059510 +29.

**This Motion does not include and is not intended to affect Petitioner Bachelor Gulch Operating Company, LLC's appeal in Docket No. 54478, which should be set for an evidentiary hearing as previously requested.**

WHEREFORE, Petitioner Bachelor Gulch Properties requests the BAA to dismiss Appeal No. 55021.

Dated this 9<sup>th</sup> day of September, 2011.


RYLEY CARLOCK & APPLEWHITE

  
\_\_\_\_\_  
F. Brittin Clayton III  
Attorneys for Petitioners

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of September, 2011, a true and correct copy of the foregoing was placed in the U.S. Mail, postage prepaid addressed to the following:

Christina Hooper  
Assistant County Attorney  
500 Broadway  
P.O. Box 3192  
Eagle, CO 81613

  
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Ann I. Palius